

# Recriwtio a'r Iaith Gymraeg

Arweiniad o dan Adran 3 Deddf yr Iaith Gymraeg 1993

# Recruitment and the Welsh Language

Guidance under Section 3 of the Welsh Language Act 1993



BWRDD YR IAITH  
GYMRAEG • WELSH  
LANGUAGE BOARD



# Cynnwys

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# Rhagair

## Preface

*Beth bynnag fo maint eich sefydliad, mae cysylltiadau gwaith da'n allweddol i lwyddiant. Os gellwch ddenu staff â'r sgiliau iawn a'u cynorthwyo i setlo rydych chi hanner y ffordd yno. Os byddwch yn trin gweithwyr yn deg ac yn gyson rydych chi'n fwy tebygol o fod yn llwyddiannus ac yn llai tebygol o gael eich boddi gan faterion disgyblaeth a chwynion – neu, yn waeth fyth, oriau diddiwedd yn brwydro yn erbyn cwynion mewn tribiwnlys.*

*Wrth gwrs, mae gennych chi sefydliad i'w gynnal ac efallai y byddwch yn teimlo mai er mwyn darparu cynnyrch neu wasanaeth yr ydych chi yno'n bennaf, nid er lles y gweithwyr. Cofiwch, fodd bynnag, mai'r gweithwyr yw eich sefydliad a bod angen i chi ofalu amdanynt yn union fel unrhyw ased arall os oes arnoch eisiau perfformiad da.*

*Cam da i gychwyn yw cael polisiau a gweithdrefnau synhwyrol i fod o gymorth i bawb yn eich sefydliad ymdrin â materion cyflogaeth yn gyflym, yn deg ac yn gyson. Nid yw hyn yn golygu dogfennau manwl hirfaith ond egwyddorion ac arferion wedi eu mynegi'n glir.*

*Os byddwch yn rhoi rhan i'ch staff mewn datblygu polisiau gellwch fanteisio ar yr holl sgiliau a phrofiad sydd ganddynt hwy. Mae hyn yn debygol o arwain at well polisiau, y mae gweithwyr yn fwy tebygol o'u dilyn. Bu ACAS yn gweithio gyda sefydliadau o bob math ac o bob sector am dros ddeng mlynedd ar hugain. Ein profiad ni yw bod cynnwys y gweithwyr yn gwneud gwahaniaeth o ddifrif – beth bynnag yr ydych yn ymdrin ag ef, o reoli perfformiad i gyflwyno offer newydd.*

*Mae Bwrdd yr Iaith Gymraeg wedi cynhyrchu'r ddogfen hon i roi arweiniad ynghylch polisiau, gweithdrefnau a llawer o faterion cyflogaeth pwysig eraill er mwyn eich cynorthwyo i greu gweithlu dwyieithog. Rhydd arweiniad*

*Whatever the size of your organisation, good employment relations are key to success. If you can attract staff with the right skills and help them to settle in you are half way there. If you treat employees fairly and consistently you are more likely to be successful and less likely to be bogged down with discipline and grievance issues – or worse still endless hours fighting tribunal complaints.*

*Of course you have an organisation to run and you may feel that you are there mainly to provide a product or service not for the welfare of employees. Remember, however, that employees are your organisation and you need to look after them just like any other asset if you want good performance.*

*A good first step is to have sensible policies and procedures to help everyone in your organisation handle employment issues quickly, fairly and consistently. This doesn't mean long elaborate documents but clearly stated principles and practice.*

*If you involve your staff in developing policies you can take advantage of all the skills and experience they have. This is likely to lead to better policies that employees are more likely to follow. ACAS has been working with organisations of all kinds and from all sectors for over thirty years. Our experience is that involving employees really does make a difference – whether you are dealing with anything from managing performance to introducing new equipment.*

*The Welsh Language Board has produced this document to provide guidance on policies, procedures and many other important employment issues to help you create a bilingual workforce. It gives guidance on relevant employment*

*yn glŷn â deddfwriaeth cyflogaeth sy'n ymwneud â'r iaith Gymraeg, fydd yn galluogi cwmnïau i ddatblygu gwasanaethau da ar gyfer y cyhoedd drwy gyfrwng y Gymraeg.*

**Gareth Petty**  
Cyfarwyddwr Rhanbarth  
ACAS Cymru

*legislation in relation to the Welsh Language that will enable organisations to develop good services to the public through the medium of Welsh.*

**Gareth Petty**  
Area Director  
ACAS Wales

Mae'r Bwrdd yn croesawu cefnogaeth ACAS i'r arweiniad hwn ac rydym yn cytuno y dylen ni gynllunio'r gweithlu er mwyn sicrhau gwasanaeth da i'r cyhoedd. Yn hynny o beth dylem weithredu ar y sail fod yr iaith Gymraeg yn sgil hanfodol yn y sector cyhoeddus.

Mae hefyd yn ased sy'n ychwanegu gwerth i fusnesau a'r rhai sy'n gweithio'n wirfoddol yng Nghymru.

Drwy ddatblygu gweithlu sgilgar ddwyieithog, mae'r Bwrdd o'r farn y gall cyflogwyr a gweithwyr gyfrannu tuag at gynladwyedd ieithyddol y gymuned o'u cwmpas.



*Meri Huws*

**Meri Huws**  
Cadeirydd  
Chair

The Board welcomes ACAS' support for this guidance. We agree that the workforce needs to be planned to ensure a good public service and accordingly, workforce planning should include the premise that the Welsh Language is an essential skill in the public sector.

The language is also an asset that adds value for businesses and those who work on a voluntary basis in Wales.

By developing a skilled bilingual workforce, the Board believes that employers and employees can work towards the linguistic sustainability of their local community.



*Meirion Prys Jones*

**Meirion Prys Jones**  
Prif Weithredwr  
Chief Executive

## Cyflwyniad Introduction



## 1.1 Pwrpas yr arweiniad

Pwrpas yr arweiniad hwn yw rhoi cymorth i sefydliadau cyhoeddus i ddatblygu gweithlu dwyieithog, mae'n ymdrin ag egwyddorion a'r prif nodweddion sy'n berthnasol i faterion recriwtio a'r iaith Gymraeg. Bydd yn galluogi sefydliadau i fabwysiadu polisiau effeithiol; yn gymorth i wneud y gorau o amrywiol sgiliau iaith gweithwyr a'u datblygu ymhellach; yn cynyddu ymwybyddiaeth o arfer da mewn perthynas â iaith a recriwtio. Drwy hynny mae'n galluogi sefydliadau i ddarparu gwasanaethau Cymraeg gwell i'r cyhoedd a chyfathrebu â hwy yn llwyddiannus a chynnal eu busnes dydd i ddydd yn Gymraeg a / neu Saesneg. Cafodd ei anelu at benaethiaid adnoddau dynol, swyddogion datblygu a hyfforddi corfforaethol, swyddogion iaith Gymraeg, rheolwyr sydd â chyfrifoldeb dros recriwtio a dethol neu gynllunio gwasanaethau, ac uwch swyddogion.

Dylid ystyried y ddogfen hon law yn llaw gyda dwy ddogfen arall sy'n ymwneud â'r Gymraeg o fewn byd gwaith:

### 'Canllawiau ar Gyfer Trefnu Hyfforddiant Iaith Gymraeg yn y Gweithle'

Mae'r canllawiau hyn yn darparu cyngor i sefydliadau yn y sectorau cyhoeddus, preifat a gwirfoddol ar sut i drefnu hyfforddiant iaith Gymraeg effeithiol yn y gweithle. Fe'u datblygwyd mewn partneriaeth rhwng Llywodraeth Cynulliad Cymru, Bwrdd yr Iaith Gymraeg a'r Canolfannau Cymraeg i Oedolion ac fe'u cyhoeddwyd yn 2009.

'Hyrwyddo a Hwyluso Gweithleoedd Dwyieithog' Cyhoeddwyd gan Fwrdd yr Iaith Gymraeg yn 2009 er mwyn cyflwyno safbwynt y Bwrdd ar ddefnyddio'r Gymraeg mewn gweithleoedd ac mae'n cynnig arweiniad ar y prif ddulliau o gyflawni

## 1.1 Purpose of the guidance

This guidance is aimed at helping public bodies develop a bilingual workforce and deals with the key principles surrounding recruitment and the Welsh language. It will enable organisations to adopt effective policies; help to maximise the various language skills of their employees; and raise awareness of best practice with regard to language and recruitment. In doing so it will help public organisations to better provide services through the medium of Welsh, communicate with members of the public successfully and conduct their day-to-day business in English and/or Welsh. It is aimed at the heads of HR departments, corporate development and training officers, Welsh language officers, managers responsible for recruitment and selection or service planning, and senior officers.

The document should be read in conjunction with two other documents involving Welsh in the workplace:

### 'Guidelines for Organising Welsh Language Training in the Workplace'

These guidelines provide advice to organisations in the public, private and voluntary sectors on how to organise effective Welsh language training in the workplace. They were developed in partnership between the Welsh Assembly Government, the Welsh Language Board and the Welsh for Adults Centres and published in 2009.

'Promoting and Facilitating Bilingual Workplaces' was published by the Welsh Language Board in 2009 in order to present the Board's standpoint on the use of Welsh in the workplace and it offers guidance on the main ways of achieving

hynny. Cred y Bwrdd y byddai defnyddio rhagor ar y Gymraeg mewn gweithleoedd yn ymestyn y defnydd o'r Gymraeg yn gyffredinol ac yn codi lefel sgiliau'r gweithlu.

## 1.2 Statws yr arweiniad

Paratowyd yr arweiniad hwn yn unol ag Adran 3, Deddf Yr Iaith Gymraeg 1993. Mae Adran 3 o'r Ddeddf yn nodi mai swyddogaeth y Bwrdd fydd hyrwyddo a hwyluso defnyddio'r iaith Gymraeg. Fel rhan o'r swyddogaeth hon mae'r Bwrdd yn darparu cyngor ar y ffyrdd o weithredu'r egwyddor 'wrth gynnal busnes cyhoeddus ac wrth weinyddu cyfiawnder yng Nghymru y dylid trin y Gymraeg a'r Saesneg ar y sail eu bod yn gyfartal'. Mae'r Bwrdd hefyd yn cynghori y rheiny sy'n darparu gwasanaethau i'r cyhoedd ynghylch defnyddio'r Gymraeg yn eu hymwneud â'r cyhoedd yng Nghymru.

Mae'r ddogfen hon yn cynnwys arweiniad am y gyfraith ond nid yw wedi ei fwriadu i fod yn gyngor cyfreithiol y gellid dibynnu arno mewn achosion unigol. Ni ddylid ei ddefnyddio yn lle cymryd cyngor cyfreithiol proffesiynol.

## 1.3 Defnyddio'r arweiniad hwn yn y sector cyhoeddus

Mae'r arweiniad hwn wedi ei anelu at y sector cyhoeddus yn bennaf. Mae'n berthnasol i bob corff cyhoeddus sy'n gweithredu cynllun iaith Gymraeg statudol. Mae'n gyfrifoldeb ar y sefydliadau hyn i weithredu mesurau staffio fel rhan o'i cynlluniau iaith er mwyn darparu mwy a gwell gwasanaethau Cymraeg i'r cyhoedd. Bydd dilyn yr arweiniad hwn yn sicrhau bod hynny'n digwydd yn gyson ac i safon uchel.

this. The Board believes that increasing the use of Welsh in the workplace would increase the use of Welsh in general and would improve the skill level of the workforce.

## 1.2 Status of the guidance

This guidance was prepared in accordance with Section 3 of the Welsh Language Act 1993 which states that the Board's function is to promote and facilitate the use of the Welsh language. As part of this function the Board provides advice on ways of implementing the principle that 'in the conduct of public business and the administration of justice in Wales, the English and Welsh languages should be treated on a basis of equality'. The Board also advises those providing services to the public on the use of the Welsh language in their dealings with the public in Wales.

While this document contains guidance on law, it is not intended to give legal advice which may be relied on in individual cases. It should not to be used as a substitute for taking professional legal advice.

## 1.3 Using this guidance in the public sector

This guidance is aimed primarily at the public sector. It applies to every public body which implements a statutory Welsh language scheme. These organisations are responsible for implementing staffing measures, as part of their schemes, aimed at providing more and better Welsh language services to the public. Following this guidance will ensure that this happens consistently and to a high standard.

#### 1.4 Defnyddio'r arweiniad hwn o fewn cyrff gwirfoddol a preifat

Mae llawer o'r hyn a geir yn yr arweiniad hwn yn arfer da sy'n berthnasol i gyflogwyr drwyddi draw. Y tebyg yw na fydd gweithleoedd bychan am gael trefniadau manwl fel y cyfeirir atyn nhw yn yr arweiniad hwn. Gellir addasu'r drefniadaeth ond dylid gweithredu'n gyson â'r egwyddorion craidd.

#### 1.4 Using this guidance within voluntary and private bodies

Much of what is included in this guidance is applies as best practice to employers in general. It is likely that small workplaces will not wish to adopt such detailed arrangements as referred to in this guidance. The arrangements may be adapted but the core principles should be followed.

## Cefndir Background



## 2.1 Y cyd destun cenedlaethol a rhyngwladol

Yng Nghymru disgwylir i'r mwyafrif o sefydliadau cyhoeddus, baratoi cynlluniau iaith Gymraeg yn unol â Deddf yr Iaith Gymraeg 1993. Mae cynlluniau iaith Gymraeg yn datgan sut y bydd sefydliad yn mynd ati i gynnal ei fusnes a darparu gwasanaethau yn yr iaith Gymraeg ar sail gyfartal â'r iaith Saesneg. Yn ogystal mae nifer cynyddol o sefydliadau'n cydnabod pwysigrwydd symud oddi wrth y model uniaith lle mai Saesneg yn unig a ddefnyddir fel iaith weinyddol a llywodraethol y sefydliad.

Mae Deddf Llywodraeth Cymru 2006 yn nodi'r angen i Weinidogion Llywodraeth y Cynulliad i fabwysiadu Strategaeth yr Iaith Gymraeg er mwyn dweud sut y byddant yn hyrwyddo a hwyluso'r defnydd o'r iaith Gymraeg. Mae'r ddeddf hefyd yn rhoi dyletswydd arnynt i fabwysiadu cynllun iaith Gymraeg ac adrodd yn flynyddol ar y modd yr hyrwyddwyd a hwyluswyd y defnydd o'r Gymraeg.

**Mae materion sy'n ymwneud â'r iaith Gymraeg yn berthnasol i bob maes polisi a byddwn yn adlewyrchu ystyriaethau ieithyddol wrth i ni ddatblygu, gweithredu a goruchwylion polisiâu gennym ni ac eraill... Disgwyliwn weld cyrff cyhoeddus eraill yn mabwysiadu'r un dull o weithredu.** Cynllun Iaith Gymraeg Llywodraeth y Cynulliad, 2006

Cyhoeddwyd 'Iaith Pawb', Cynllun Gweithredu Cenedlaethol Llywodraeth y Cynulliad ar gyfer Cymru Ddwylieithog, yn 2003. Amlinellir ynddo y camau sydd i'w cymryd i wneud Cymru yn wlad lle gall pobl ddewis byw eu bywydau drwy gyfrwng y Gymraeg neu'r Saesneg neu'r ddwy iaith.

## 2.1 The national and international context

In Wales most public bodies are required to prepare Welsh language schemes in accordance with the Welsh Language Act 1993. These schemes state how an organisation will conduct its business and provide services through the medium of Welsh on the basis of equality with English. In addition a growing number of organisations are recognising the importance of moving away from a monolingual model where English is used as their sole language of administration and governance.

The Government of Wales Act 2006 requires Welsh Assembly Government Ministers to adopt a Welsh Language Strategy stating how they will promote and facilitate the use of the Welsh language. The act also places a duty on them to adopt a Welsh language scheme and report annually on how effectively the use of the Welsh language was promoted and facilitated.

**Matters relating to the Welsh language are relevant across policy fields and we will reflect linguistic considerations when we develop, implement and oversee the delivery of policies, by ourselves and others... We expect to see other public organisations adopting the same approach.** Welsh Assembly Government Welsh Language Scheme, 2006

Iaith Pawb, the Assembly Government's National Action Plan for a Bilingual Wales, was published in 2003. It outlines the action needed to make Wales a country where people can choose to live their lives through the medium of English, Welsh, or both. The document states

Nodir yn y ddogfen y bydd y Llywodraeth yn ceisio ysgogi cynnydd yn y defnydd o'r Gymraeg a'i hamlygrwydd ym mhob agwedd ar fywyd pob dydd, gan gynnwys gwaith, hamdden a gweithgareddau cymdeithasol.

Mae Cymru'n Un, Rhaglen ar gyfer Llywodraethu Cymru 2007-2011 hefyd yn dangos ymrwymiad i gefnogi'r Gymraeg. Nodir y bydd y llywodraeth yn gweithio i sicrhau y gall mwy o bobl ddysgu Gymraeg a'i helpu i ffynnu fel iaith fyw mewn cymunedau ledled Cymru.

Dylid ystyried y polisiâu uchod yng nghydestun yr angen i gydymffurfio â Siarter Ewrop ar gyfer Ieithoedd Rhanbarthol neu Leiafrifol. Ceir esboniad manylach o'r Siarter yn Adran 6 y canllaw hwn.

## 2.2 Safbwyntiau rhyngwladol

Nid yw sefyllfa dwyieithog Cymru yn unigryw ac mae sawl gwlad arall yn ceisio gweithio mewn dwy, tair neu fwy o ieithoedd. Ceir enghreifftiau rhyngwladol o gynllunio sgiliau a rheoli adnoddau dynol er mwyn gwasanaethu cymunedau amlieithog.

- Mae gosod amodau ieithyddol wedi cael ei brofi i fod yn ddilys yn Llys Barn Ewrop ac mae'n arfer mewn gwledydd eraill yn Ewrop er enghraifft gosodir amodau ieithyddol ar swyddi sector cyhoeddus yng Ngwlad y Basg a Chatalonia.
- Yng Ngwlad y Basg fe gyhoeddir gwybodaeth yn flynyddol am y swyddi a hysbysebwyd a pha iaith / ieithoedd y mae'r unigolyn a benodwyd yn siarad. Anfonir rhain at isadran y llywodraeth sy'n delio â'r iaith Fasgeg.

that the Government will seek to bring about an increase in the use and visibility of the Welsh language in all aspects of life, including work, leisure and social activities.

One Wales – A Progressive Agenda for the Government of Wales 2007-2011 also shows a commitment to support the Welsh language. It states that the government will work towards ensuring that more people can learn Welsh and help it thrive as a living language in communities throughout Wales.

The above policies should also be viewed along with the need to comply with the European Charter for Regional or Minority Languages which is explained more fully in Section 6 of this guidance.

## 2.2 International perspectives

The situation in Wales is not unique and many other countries are trying to work in two, three or more languages. There are international examples of skills planning and HR management for multilingual communities.

- The setting of linguistic conditions has been deemed legitimate by the European Court of Justice and is also common practice in other European countries. For example, linguistic conditions are set for public sector appointments in the Basque Country and Catalonia.
- In the Basque Country information is published on an annual basis regarding the vacancies advertised and the language(s) spoken by the successful candidate. This information is sent to the government division responsible for the Basque language.

- Anogir staff yn y gwasanaeth cyhoeddus yng Nghanada i gynnal eu sgiliau ieithyddol, rhan o'r broses yma yw cynnal asesiad iaith llafar bob dwy neu dair blynedd. Ceir 'bonws dwyieithrwydd' i staff yn y gwasanaethau cyhoeddus sy'n llwyddo i basio prawf sgiliau ieithyddol.
- Cefnogir staff uniaith yng Nghanada i ddod yn ddwyieithog, yn wir gwelir hyfforddiant ieithyddol yn allweddol i gynyddu niferoedd staff dwyieithog yn y wlad.

**“Language training is a key factor in ensuring that public servants achieve the language skills required by their positions. If bilingualism is acknowledged to be a basic skill, language training must be regarded as an essential component of learning and career development plans”.** French to Follow. Revitalizing the Official Languages in the Workplace, Canadian Centre for Management Development 2003

- Deddf 10 / 1982 Llywodraeth Gwlad y Basg ar normaleiddio defnydd o'r iaith Fasgeg yw'r sail ar gyfer datblygiadau yn y sector cyhoeddus. Mae erthygl 14 y ddeddf yn datgan y bydd yr awdurdodau cyhoeddus yn mabwysiadu mesurau sy'n arwain at ddatblygiad graddol sgiliau iaith Basgeg ymysg gweithwyr y gwasanaeth cyhoeddus. Bydd yr awdurdodau cyhoeddus hefyd yn dynodi'r swyddi y mae angen sgiliau yn y ddwy iaith yn hanfodol ar eu cyfer ac ar gyfer swyddi lle nad yw'r Fasgeg yn hanfodol rhoddir ystyriaeth i sgiliau ieithyddol (Gardner, N, 2006 Public Sector Basque Language schemes; a brief summary). Disgwylir i sefydliadau flaenoriaethu y swyddi hynny lle mae'r cyswllt uchaf gydag

- Public service staff in Canada are encouraged to maintain their linguistic skills, which includes an oral assessment every two to three years. A 'bilingualism bonus' is given to public service staff who pass a linguistic skills test.
- Staff who only speak one language in Canada are supported to become bilingual, indeed, linguistic training is considered essential to increase the number of bilingual staff in the country.

**“Language training is a key factor in ensuring that public servants achieve the language skills required by their posts. If bilingualism is acknowledged to be a basic skill, language training must be regarded as an essential component of learning and career development plans”.** French to Follow. Revitalizing the Official Languages in the Workplace, Canadian Centre for Management Development 2003

- Act 10 / 1982 of the Basque Country Government on the normalisation of the use of the Basque language is the basis of developments in the public sector there. Article 14 states that the public authorities will adopt measures which lead to the gradual development of Basque language skills amongst public service workers. Public authorities will also identify posts where skills in both languages is deemed to be essential and for those posts where the Basque language is not essential public authorities will consider linguistic skills (Gardner, N, 2006 Public Sector Basque Language schemes; a brief summary). Organisations are expected to prioritise those posts which involve the most contact with the public as 'Basque

aelodau o'r cyhoedd ar gyfer y dynodiad 'Basgeg yn angenrheidiol'. Pennir canran o swyddi yn swyddi 'Basgeg yn angenrheidiol' ym mhob corff sy'n cyfateb i'r ganran o siaradwyr Basgeg yn ardal weinyddol y corff. Yn achos pob swydd arall mae gallu ieithyddol yn ennill pwyntiau ychwanegol, sy'n cyfuno gyda phwyntiau am gymwysterau a phrofiadau eraill i ddylanwadu yn uniongyrchol ar lwyddiant ymgeisydd am swydd.

- Cofnodir cymwysterau a lefelau hyfedredd iaith Basgeg yn drylwyr ar gyfer pob unigolyn yn y broses o benodi staff. Gosodir camau ac amodau safonol yn y broses recriwtio a chytundebu staff sy'n rhoi blaenoriaeth i sicrhau bod gan staff lefelau iaith priodol ar gyfer y swyddi y penodir hwy iddynt. Mae unrhyw unigolyn sydd heb y sgiliau iaith gofynnol yn arwyddo cynllun personol i ymgymryd â'r hyfforddiant angenrheidiol i ennill y sgiliau iaith hynny. Os nad yw unigolion yn cyflawni'r gofynion ieithyddol mae'r gyfraith yn caniatáu symud yr unigolyn hwnnw i swydd arall ble nad oes gofyniad ieithyddol.
- Cyfrifoldeb Swyddog Normaleiddio'r iaith Fasgeg yw adolygu'n flynyddol gynnydd sgiliau iaith staff y corff. Buddsoddir yn sylweddol mewn hyfforddiant ieithyddol wedi ei deilwra i anghenion y gweithle ar sail cymwyseddau penodol.

**“Mae ffurfioli a safoni'r dull o gydnabod gwerth ychwanegol sgiliau Basgeg yn y broses recriwtio a dethol staff ar gyfer pob swydd o fewn y gwasanaeth sifil yng Ngwlad y Basg yn cynnig disgwylad ac anogaeth i ymgeiswyr wella eu sgiliau iaith wrth gynnig am**

essential'. A percentage of posts are designated 'Basque essential' in each organisation corresponding to the percentage of Basque speakers in that particular administrative area. In the case of every other post, linguistic ability is awarded additional points, which are then combined with points for other qualifications and experience which have a direct bearing on the success of applicants.

- Qualifications and proficiency levels in the Basque language are recorded in detail for each individual during the process of appointing staff. Standard procedures and conditions are set when recruiting and contracting staff which give priority to ensuring that staff have appropriate language skills for the posts to which they are appointed. Any individual who lacks the required language skills is asked to sign a personal plan to undertake the necessary training in order to gain those language skills. If an individual fails to meet the linguistic requirements, the law allows for the transfer of that individual to another post which does not require linguistic skills.
- The Basque Language Normalisation Officer is responsible for conducting an annual review of progress of the language skills of the body's staff. Significant investment is made in linguistic training tailored to the workplace's needs based on specific competencies.

**“Formalising and standardising the method of recognising the additional value of Basque language skills in the process of recruiting and selecting staff for every post in the civil service in the Basque Country sets an expectation and provides applicants**



swydd newydd neu ddyrchafiad ym mhob adran o'r gwasanaeth sifil".

Cynllunio a Rheoli Sgiliau Dwyieithog, Astudiaeth ar ran Bwrdd yr Iaith Gymraeg gan Cwmni Iaith, 2006

- Yn yr un modd â Gwlad y Basg y mae Iwerddon wedi adnabod yr angen i fuddsoddi mewn hyfforddiant iaith wedi ei deilwra i anghenion y gweithle er mwyn cydymffurfio â deddfwriaeth iaith.

with an incentive to improve their language skills when applying for a new post or promotion in each section of the civil service". The Planning and Management of Bilingual Skills, a study conducted on behalf of the Welsh Language Board, Cwmni Iaith, 2006

- In the same way as the Basque Country, Ireland has recognised the need to invest in language training which is tailored to the workplace's needs in order comply with language legislation.

Gweithredu egwyddorion iaith a recriwtio – cyfrifoldebau cyrff cyhoeddus

Implementing language and recruitment principles – responsibilities of public bodies

### 3.1 Y canllawiau statudol

Mae angen deall goblygiadau Deddf yr Iaith Gymraeg 1993 ym maes cyflogaeth os am hyrwyddo'r egwyddorion ar lefel weithredol. Ceir canllawiau statudol a gyhoeddwyd o dan Adran 9, **Deddf yr Iaith Gymraeg 1993 'Cynlluniau Iaith Gymraeg – Eu paratoi a'u cymeradwyo yn unol â Deddf yr Iaith Gymraeg 1993'**, sy'n dynodi beth yw ffurf a chynnwys cynlluniau iaith Gymraeg. Y mae canllawiau 8 (i) ac 8 (ii) o fewn y canllawiau hynny yn gosod dyletswydd ar sefydliadau cyhoeddus i ddatblygu mesurau staffio.

#### Canllaw 8(i)

'mesurau i sicrhau bod gweithleoedd a chyswllt â'r cyhoedd yng Nghymru yn ceisio cael digon o siaradwyr Cymraeg sydd a'r sgiliau priodol er mwyn galluogi'r gweithleoedd hynny i ddarparu gwasanaeth cyflawn drwy gyfrwng y Gymraeg'.

#### Canllaw 8(ii)

'Mesurau clustnodi'r swyddi hynny lle ystyrir bod gallu siarad Cymraeg yn hanfodol a'r rhai lle ystyrir ei fod yn ddymunol er mwyn darparu gwasanaeth cyflawn drwy gyfrwng y Gymraeg'.

Mae'n ddyletswydd ar sefydliadau i gynllunio, datblygu, gweithredu a buddsoddi mewn gweithlu dwyieithog yn unol â'r canllawiau uchod. Os nad oes gan sefydliad nifer ddigonol o swyddogion â sgiliau Cymraeg i weithredu'r canllawiau a gynhwysir yn ei gynllun iaith yna mae angen cymryd camau gweithredol.

### 3.1 Statutory guidance

The implications of the Welsh Language Act 1993 in terms of employment need to be understood in order to promote the principles on an operational level. Statutory guidance published under Section 9 of the **Welsh Language Act 1993 'Welsh Language Schemes – Their preparation and approval in accordance with the Welsh Language Act 1993'**, outlines the required form and content of Welsh language schemes. Guidelines 8 (i) and 8 (ii) place a duty on public bodies to develop staffing measures.

#### Guideline 8(i)

'measures to ensure that workplaces which have contact with the public in Wales seek access to sufficient and appropriately skilled Welsh speakers to enable those workplaces to deliver a full service through the medium of Welsh'.

#### Guideline 8(ii)

'measures to identify those posts where the ability to speak Welsh is considered to be essential and those where it is considered to be desirable in order to deliver a full service through the medium of Welsh'.

Organisations have a duty to plan, develop, implement and invest in a bilingual workforce in accordance with these guidelines. If an organisation does not have sufficient numbers of Welsh speaking officers to implement the measures contained in the language scheme, then action needs to be taken.

### 3.2 Gweithredu Polisi Iaith a Recriwtio

Er mwyn gweithredu'r cyfrifoldeb hwn mae angen i bolisiau ac arferion sefydlog cyrff gydnabod a phrif ffrydio'r dimensiwn sgiliau iaith. Dylai codau ymarfer dewis a phenodi'r sefydliad gyfeirio at gydymffurfio â Deddf yr Iaith Gymraeg a chynllun iaith y sefydliad fan lleiaf.

Ceir mwy o fanylion am ddulliau ymarferol o gyflawnir nodau hyn ac unrhyw oblygiadau cyfreithiol yn Adrannau 5 a 6.

### 3.2 Implementing a Language and Recruitment Policy

In order to fulfil this responsibility an organisation's policies and standard practices need to recognise and mainstream language skills. The organisation's selection and appointment codes of practice should refer to compliance with the Welsh Language Act and the organisation's language scheme as a minimum.

Further details on practical methods of achieving these aims and any legal implications are provided in Sections 5 and 6.

**Cynllunio ar gyfer gweithlu dwyieithog**  
**Planning for a bilingual workforce**



#### 4.1 Gweledigaeth a blaenoriaethau staffio

Bydd disgwyliadau staffio'r sefydliad wedi eu nodi'n glir oddi fewn i'r cynllun iaith Gymraeg. Fe fydd angen sicrhau bod unrhyw gynllunio gweithlu yn sgil hynny yn adlewyrchu blaenoriaethau'r cynllun ac yn cyfateb i amserlen y cynllun iaith.

Barn y Bwrdd yw y gall meddu ar strategaeth cynllunio gweithlu dwyieithog gyfrannu at wneud i ffwrdd ag ansicrwydd ar fater y Gymraeg mewn cyflogaeth a galluogi sefydliad i ymdrin â sgiliau iaith mewn modd cadarnhaol, gwrthrychol a chyfreithlon.

Gweler isod enghreifftiau o sefydliadau sy'n dod at y maes yn strategol a bwriadus drwy fod â threfniadau neu gynllun penodol ar gyfer diwallu anghenion sgiliau dwyieithog. Maent yn gweld y broses fel rhan o gyfrifoldeb corfforaethol.

##### Enghraifft 1

"Yn ein cynllun iaith, rydym wedi mabwysiadu egwyddor ganolog Deddf yr Iaith Gymraeg 1993, sef y byddwn yn trin yr iaith Gymraeg ar y sail ei bod yn gyfartal â'r iaith Saesneg. Rydym wedi ymrwymo i weithredu'r egwyddor honno wrth gynnal ein busnes a darparu gwasanaethau i'r cyhoedd yng Nghymru.

Er mwyn cyflawni hynny yn effeithiol, felly, rydym angen swyddogion â sgiliau iaith priodol yn y swyddi a'r gweithleoedd cywir. Fel arall, mae'n annhebygol y bydd ein gwasanaeth yn Gymraeg yn cyrraedd yr un safon ac yr un mor brydlon a rhwydd i'w gael â'r gwasanaeth Saesneg, ac o ganlyniad ni fyddwn yn gweithredu mewn ffordd

#### 4.1 Vision and staffing priorities

The organisation's staffing expectations will have been identified clearly in the Welsh language scheme. Any subsequent workforce planning will need to reflect the scheme's priorities and correspond to its timetable.

The Board believes that a bilingual workforce planning strategy can help remove any uncertainty regarding the Welsh language in recruitment and allow an organisation to deal with language skills positively, objectively, and legally.

Below are examples of organisations which have a strategic and purposeful approach to this issue in that they have established specific arrangements or have drawn up a specific scheme for meeting bilingual skills needs. They view the process as part of their corporate responsibility.

##### Example 1

"In our language scheme, we have adopted the central principle found in the Welsh Language Act 1993 that we will treat the Welsh language on an equal basis to English. We have committed to implementing this principle in the conduct of our business and in providing services to the public in Wales.

In order to do so successfully, therefore, we need to ensure that officers who possess appropriate language skills are employed in the correct posts and workplaces. Otherwise, it is unlikely that our Welsh-medium service will reach the same standard or be as prompt and easy to access as the English-medium

sy'n gyson ag egwyddor cydraddoldeb y Ddeddf.

Bydd angen trefniadau, felly, i asesu pa weithleoedd a pha swyddi y mae angen staff dwyieithog ynddynt, ac i ofalu bod yr angen yn cael ei ddiwallu drwy raglenni hyfforddiant a chyfleoedd penodi ac adleoli dros gyfnod o amser. Bydd angen sicrhau bod ein polisïau a'n harferion sefydlog wrth ymdrin â'r gweithlu (e.e. ein proses recriwtio a'n trefniadau arfarnu perfformiad a datblygiad personol) yn ymgorffori ac yn gwasanaethu'r agweddau sgiliau iaith mewn ffordd briodol. Dylai fod yn rhan o'n cynllun adnoddau dynol ehangach.

Bydd angen trefn hefyd i gadw llygad ar y sefyllfa, i sicrhau bod cyfleoedd yn cael eu cymryd, ond hefyd i roi gorolwg rheolaidd o'r capasiti sgiliau iaith a sefydlu a yw'r bwlch rhwng angen a chyflenwad yn tueddu i gau neu agor."

##### Enghraifft 2

Diwygiodd y sefydliad ei gynllun iaith Gymraeg yn ddiweddar, gan ddilyn canllawiau'r Bwrdd. Nodir yn y cynllun hwnnw ymrwymadau arloesol, gyda'r amcan o ddatblygu i fod yn gorff wbl ddwyieithog. Mae'r sefydliad wedi mabwysiadu fframwaith hyfedredd iaith sy'n cynnig 5 lefel o allu ieithyddol. Er mwyn datblygu i fod yn gorff wir ddwyieithog, ers Awst 2005 mae'n ofynnol i unrhyw recriwt newydd feddu ar sgiliau Cymraeg sylfaenol (lefel 1) cyn cael eu recriwtio ac yna cyrraedd lefel 2 o fewn eu cyfnodau prawf. Ers Ionawr 2008 rhaid i bob

service, which will lead to our failure to act in accordance with the principle of equality found in the Act.

Arrangements will therefore need to be made to assess which workplaces and posts need bilingual staff, and ensure that the need is met through training programmes along with job opportunities and relocation opportunities over time. We will need to ensure that our fixed policies and practices in dealing with the workforce (e.g. our recruitment process and performance appraisal and personal development arrangements) incorporate and serve those aspects involving language skills in an appropriate manner. This should be a part of our wider HR plan.

The situation will also need to be monitored, in order to ensure that opportunities are taken, but also to provide a regular overview of the language skills capacity and establish whether the gap between supply and demand tends to increase or close."

##### Example 2

The organisation recently revised its Welsh language scheme, following the Board's guidance. The scheme contains innovative commitments, with the aim of developing into a fully bilingual body. The organisation has adopted a language proficiency framework which offers five levels of language ability. In order to develop into a fully bilingual body, since August 2005 it has been compulsory for any new recruit to possess basic Welsh skills (level 1) before being appointed and to then progress to level 2 within their probationary period. Since January 2008



recriwt newydd feddu ar sgiliau lefel 2 cyn cael eu recriwtio a sgiliau lefel 3 o fewn y cyfnod prawf. Yn yr un modd mae'n rhaid i unrhyw swyddog neu aelod staff feddu ar sgiliau lefel 2 cyn cael eu dyrchafu o fewn y sefydliad. Cynigir unrhyw hyfforddiant sydd ei angen ar recriwtiaid neu darpar recriwtiaid er mwyn cyrraedd y lefel gofynnol o allu yn y Gymraeg.

### Enghraifft 3

Trefn Brydeinig ag iddi reoliadau pendant wrth recriwtio a dethol yw'r drefn farnwrol. Disgwylir i ymgeiswyr ar gyfer swyddi o fewn y farnwriaeth arddangos sgiliau arbenigol, cymwysterau a galluoedd. Cyn ymgymryd ag ymgyrchoedd recriwtio ar gyfer y farnwriaeth yng Nghymru fe asesir faint o farnwyr sy'n siarad Cymraeg sydd eu hangen. Pan adnabyddir yr angen am farnwyr sy'n siarad Cymraeg gofynnir i ymgeiswyr ddarparu tystiolaeth o'u sgiliau iaith Gymraeg yn ychwanegol i'r sgiliau craidd, cymwysterau a galluoedd hanfodol. Yn niwedd 2009 penderfynodd Jack Straw yr Arglwydd Ganghellor a'r Ysgrifennydd Gwladol dros Gyfiawnder i adael i bwyllgorau ymgynghorol lleol yng Nghymru sy'n gyfrifol am benodi ynadon i ddynodi rhai swyddi o fewn yr ynadaeth fel 'Cymraeg yn hanfodol'. Yng ngoleuni'r penderfyniad yma gall y pwyllgorau ymgynghorol benderfynu ar y nifer o ynadon sy'n siarad Cymraeg sydd eu hangen cyn dechau ymgyrch recriwtio, ac i sgiliau iaith Gymraeg gael eu cynnwys o fewn y broses ddethol.

every new recruit has had to possess level 2 skills before being appointed and level 3 skills within the probationary period. Similarly, any officer or member of staff must possess level 2 skills before being promoted within the organisation. Any training which is needed by recruits or potential recruits in order to reach the required levels of proficiency in the Welsh language is offered.

### Example 3

The Judiciary is a British system with its own regulations for recruiting and selecting. Applicants for posts within the judiciary are required to demonstrate specialist skills, qualifications and abilities. Prior to undertaking campaigns for recruitment to the judiciary in Wales the numbers of Welsh speaking judges required is assessed. Where a need for Welsh language speaking judges has been identified, applicants will be asked to provide evidence of their Welsh language skills in addition to demonstrating that they possess the required core skills, qualifications and abilities. At the end of 2009, the Lord Chancellor and Secretary of State for Justice, Jack Straw, decided to allow local advisory committees in Wales, responsible for the recruitment of magistrates, to designate posts within the magistracy as 'Welsh essential'. In light of this decision Advisory Committees are able to decide the numbers of Welsh speaking magistrates required prior to conducting a recruitment campaign, and for Welsh language skills to fall within the selection process.

Mae Atodiad 1 sef rhan o'r ddogfen 'Cynlluniau Iaith Gymraeg – Eu paratoi a'u cymeradwyo yn unol â Deddf yr Iaith Gymraeg 1993' yn amlinellu'r mesurau staffio y dylai sefydliadau eu pennu. Mae'r cyngor yma yr un mor berthnasol ag erioed.

Isod ceir amlinelliad o'r hyn mae'r Bwrdd yn ddisgwyl ei weld mewn cynlluniau iaith yn ymwneud â staffio.

- Esboniad byr sy'n disgrifio paham mae angen cymryd camau i ddatblygu gweithlu dwyieithog.
- Nodau er mwyn cyflawni'r uchod, er enghraifft:

Sicrhau y bydd y swyddfeydd, canolfannau, gweithleoedd eraill, timau cymunedol sydd â chysylltiad â'r cyhoedd gyda'r staff, neu'n gallu cael gafael ar y staff, a all ddarparu gwasanaeth i'r cyhoedd sy'n siarad Cymraeg.

Ymrwymiad i archwilio gwasanaethau'r sefydliad a dynodi'r swyddi o fewn y strwythur staffio lle gellir cyfiawnhau'r angen am swyddogion sy'n gallu defnyddio'r Gymraeg i gynorthwyo'r cyhoedd (Cymraeg yn hanfodol) neu lle y byddai'n ddymunol iddynt allu gwneud hynny (Cymraeg yn ddymunol), a chynnwys yr anghenion yn nisgrifiadau swyddi a disgrifiadau tîm.

Ymrwymiad i osod meini prawf ar gyfer asesu anghenion swyddi i gynnwys natur y swydd ac amllder y cysylltiad â'r cyhoedd sy'n siarad Cymraeg neu'r angen i ddarparu cefnogaeth weinyddol i eraill. Gellir diffinio'r angen fel rhan o weithle neu dîm.

Appendix 1 which is an extract from 'Welsh Language Schemes – Their preparation and approval in accordance with the Welsh Language Act 1993' outlines the staffing measures that organisations should set. This advice is as relevant as ever.

Outlined below is what the Board expects to see in language schemes relating to staffing.

- A brief explanation which describes why action needs to be taken to develop a bilingual workforce.
- Aims in order to achieve the above, for example:

Ensure that the offices, centres, other workplaces, community teams which come into contact with the public have the staff, or can access the staff who can provide a service to the Welsh-speaking public.

A commitment to examine the organisation's services and identify the posts within the staffing structure where officers are justifiably required to be able to use Welsh in assisting the public (Welsh essential) or where it would be advantageous for them to be able to do so (Welsh desirable), and include the requirements in job descriptions and team descriptions.

A commitment to set criteria for assessing post requirements to include the nature of the post and the frequency of contact with the Welsh-speaking public or the need to provide administrative support to others. Requirements may be defined as part of a workplace or team.



Ymrwymiad i gynnal awdit staff er mwyn adnabod bylchau yn y gwasanaeth a llunio mesurau i wella'r sefyllfa.

Esboniad o'r camau y bydd y sefydliad yn eu cymryd er mwyn cael y nifer cywir o staff sy'n siarad Cymraeg i gynnig y gwasanaeth sydd ei angen ee ceisio recriwtio siaradwr Cymraeg i swydd arbennig pan ddaw swydd yn wag neu pan sefydlir swydd newydd, ad-drefnu dyletswyddau neu ddarparu hyfforddiant i staff yn yr iaith Gymraeg.

- Esboniad o bwy sy'n gyfrifol am weithredu'r mesurau staffio yn y cynllun.
- Ymrwymiad i gynnal sesiynau briffio a darparu cyfarwyddyd i swyddogion sy'n gyfrifol am recriwtio, hyfforddiant ac adolygiadau staff.
- Ymrwymiad y bydd y swyddogion sy'n gyfrifol yn adolygu gweithrediad y mesurau staffio yn flynyddol.
- Ymrwymiad y bydd yr Adran Adnoddau Dynol yn cadw gwybodaeth ar sgiliau iaith Gymraeg staff o fewn y sefydliad.
- Targedau sy'n nodi unai y nifer neu'r ganran o swyddi lle mae angen siaradwyr Cymraeg.
- Ymrwymiad i gynnwys datganiad y bydd yn croesawu siaradwyr Cymraeg mewn hysbysebion am swyddi lle bod prinder staff sy'n siarad Cymraeg o fewn y gwasanaeth er mwyn cwrdd ag angen y gwasanaeth. Ond ni ddylid gwneud hynny mewn modd sy'n rhwystro'r di-Gymraeg rhag ymgeisio.
- Amlinelliad o'r modd y bydd y sefydliad yn gweithredu'n rhagweithiol wrth ddenu siaradwyr Cymraeg i ymuno â'r sefydliad.

A commitment to conduct a staff audit to identify gaps in the service and produce measures to improve the situation.

An explanation of the actions the organisation will take in order to employ the correct number of Welsh-speaking staff needed to offer the service required eg seek to recruit Welsh speakers to a specific post when a post becomes vacant or when a new post is created, reorganize duties or provide Welsh-language training to staff.

- An explanation of who is responsible for implementing the scheme's staffing measures.
- A commitment to hold briefing sessions and provide guidance for officers responsible for staff recruitment, training and reviews.
- A commitment to ensure that responsible officers review the implementation of the staffing measures on an annual basis.
- A commitment to ensure that the HR Department will keep information on the organisation's staff's Welsh-language skills.
- Targets which identify either the number or percentage of posts which require Welsh speakers.
- A commitment to include a statement welcoming Welsh speakers in job advertisements where there is a lack of Welsh-speaking staff to meet the needs of the service, but in a way which does not deter non-Welsh speaking candidates.
- Outline the way in which the organisation will work proactively to attract Welsh speakers to join the organisation.

- Ymrwymiad i gyhoeddi gwybodaeth ynglŷn â niferoedd siaradwyr Cymraeg o fewn y sefydliad ac fesul adran / tîm / lleoliad fel sy'n addas.

#### 4.2 Strategaeth safonol ar gyfer cynllunio gweithlu dwyieithog

Er mwyn cynllunio gweithlu dwyieithog effeithiol mae angen adnabod anghenion sgiliau iaith ar sail ymrwymadau'r cynllun iaith neu bolisi iaith y sefydliad. Gwneir hyn er mwyn delio â'r cyhoedd sy'n siarad Cymraeg ac er mwyn galluogi'r sefydliad i gynnal ei fusnes drwy gyfrwng y Gymraeg a'r Saesneg fel ei gilydd. Gall sawl system reoli gyfrifiadurol gofnodi sgiliau iaith y gweithlu. Y camau gweithredol yw:

##### 4.2.1 Mapio capasiti ac adnabod y bwlch darparu

- Mapio anghenion sgiliau iaith fesul gweithle a swydd yn erbyn y nod (gweithredu cynllun iaith y sefydliad), gan ddefnyddio canllaw neu siartlif asesu sgiliau iaith y sefydliad.
- Mapio capasiti presennol gweithleoedd a swyddi yn yr un modd, a'i osod fel gwaelodlin.
- Cymharu'r capasiti gyda'r angen, yn thematig ar lefel corff (e.e. canrannau / lefelau gallu ieithyddol, lleoliad, teitl / gradd, nifer y siaradwyr rhugl / dysgwyr, proffil oedran, ayyb.) ac yna fesul adran, gwasanaeth tîm, gweithle a swydd, fel sy'n briodol.

- A commitment to publish information on the number of Welsh speakers within the organisation and on a departmental / team / location basis as appropriate.

#### 4.2 Standard strategy for planning a bilingual workforce

In order to plan an effective bilingual workforce language skill needs must be identified based on the commitments made in the organisation's language scheme or policy. This is done in order to deal with the Welsh-speaking public and in order to allow the organisation to conduct its business through the medium of English and Welsh. Several computer management systems can record workforce language skills. The necessary action is as follows:

##### 4.2.1 Map capacity and identify the gap in provision

- Map language skill needs per individual workplace and post against the aim (implement the organisation's language scheme), using a guide or flow chart to assess the organisation's language skills.
- Map the current capacity of both workplaces and posts, setting this as a baseline.
- Compare capacity and need thematically at organisational level (e.g. percentages / linguistic ability levels, location, title / grade, number of fluent speakers / learners, age profile, etc.) and then per individual department, team service, workplace and post, as appropriate.



#### 4.2.2 Gosod targed(au) a llunio cynllun gweithredu

- Gosod nod ar gyfer cyfnod cyntaf o weithredu, fydd yn cynnwys targedau penodol yn deillio o'r gwaith mapio a chymharu uchod, gan gynnwys targedau adrannol neu debyg.
- Mabwysiadau cynllun gweithredol sy'n disgrifio'r camau mae'r sefydliad am eu cymryd i gyrraedd y nod fydd yn nodi blaenoriaethau (themateg a / neu leoliadol) a threfniadau (e.e. recriwtio, hyfforddi, adleoli) i unioni unrhyw brinder. Yn aml, bydd angen cynlluniau gweithredu adrannol yn ogystal â'r un corfforaethol.
- Datblygu sgiliau Cymraeg y gweithle e.e. drwy fabwysiadu rhaglen hyfforddiant iaith i [rai] staff fel rhan o ddatblygiad mewn swydd.
- Hyfforddi rheolwyr ynglŷn ag amcanion y corff, beth yw eu cyfrifoldeb hwy, sut y dylid defnyddio'r drefn yn wrthrychol, a pha wybodaeth i'w chasglu a'i hadrodd.

#### 4.2.3 Mabwysiadu dull gwrthrychol ar gyfer pennu sgiliau iaith

- Llundio asesiad sgiliau iaith swydd ar gyfer y sefydliad. (Gweler pwynt 5.1 am fwy o wybodaeth am bennu sgiliau iaith swydd a phwynt 5.3 ar hysbysebu swyddi.)

#### 4.2.4 Mabwysiadu trefn gofnodi a diweddarau gwybodaeth

- Cofnodi a diweddarau gwybodaeth am sgiliau iaith unigolion o fewn y sefydliad er mwyn cael darlun o allu

#### 4.2.2 Set target(s) and produce an action plan

- Set a goal for the first implementation stage, which will include specific targets stemming from the mapping and comparison process above, including departmental targets or similar.
- Adopt an action plan which describes the steps the organisation intends to take in order to reach its goal. This will identify priorities (thematic and / or locational) and arrangements to combat any deficiency (e.g. recruitment, training, relocation). Departmental action plans will often be needed in addition to the corporate action plan.
- Develop the workplace's Welsh language skills e.g. by adopting a language training programme for [some] members of staff as part of their professional development.
- Train managers on organisational objectives, their responsibility, how procedures should be approached objectively, and what information needs to be collected and reported.

#### 4.2.3 Adopt an objective approach to determining language skills

- Produce a post-related language skills assessment for the organisation. (See point 5.1 for further information on determining a post's language skills and point 5.3 for advertising vacancies.)

#### 4.2.4 Adopt procedures for recording and updating information

- Record and update information on individuals' language skills within the organisation in order to have an

adrannau, safleoedd a'r sefydliad yn gyfan i ddarparu gwasanaeth Cymraeg. Mae'r Bwrdd yn awgrymu y dylid mabwysiadu targedau a dangosyddion perfformiad e.e.

Nifer a chanran y swyddi a'r timau yr aseswyd eu categori ieithyddol.

Nifer a chanran swyddi prif dderbynfeydd ble nodir y Gymraeg fel sgil hanfodol a chanran y rhai a lenwyd gan siaradwyr Cymraeg.

Nifer a chanran o staff sy'n medru siarad Cymraeg fesul adran wasanaeth; yn ôl gradd y swydd; a fesul gweithle.

Nifer y swyddi a hysbysebwyd ble nodwyd y Gymraeg fel sgil hanfodol a'r ganran a lenwyd gan siaradwyr Cymraeg.

Nifer y swyddi a hysbysebwyd ble nodwyd y Gymraeg fel sgil dymunol a'r ganran a lenwyd gan siaradwyr Cymraeg.

Gall y dangosyddion hyn alluogi cyrff i fesur i ba raddau y mae gwasanaethau Cymraeg ar gael i'r cyhoedd ac a yw'r gwasanaeth yma'n cael ei gynllunio'n fwriadus. Fe allai'r data yma ein galluogi i fesur cynnydd dros amser ac i roi ystyriaeth i unrhyw broblemau recriwtio a amlygir.

Ceir enghraifft yn atodiad 2 o sefydliad sy'n defnyddio dangosyddion perfformiad i'r perwyl hwn.

overview of the capacity to provide Welsh language services. The Board proposes that targets and performance indicators should be adopted e.g.

The number and percentage of posts and teams which have had their linguistic category assessed.

The number and percentage of main reception posts where Welsh is identified as an essential skill and the percentage filled by Welsh speakers.

The number and percentage of staff able to speak Welsh per service department; according to grade; and per workplace.

The number of posts advertised where Welsh was identified as an essential skill and the percentage filled by Welsh speakers.

The number of posts advertised where Welsh was identified as a desirable skill and the percentage filled by Welsh speakers.

These indicators can allow organisations to measure the extent to which Welsh language services are available to the public and whether this service is planned purposefully. This data could allow us to measure progress over time and consider any recruitment issues highlighted.

Appendix 2 provides an example of an organisation which uses performance indicators for this purpose.

**Polisiau ac arferion sefydlog adnoddau dynol**  
**Human resources policies and standard**  
**practices**





Mae angen i bolisiau ac arferion sefydlog y cyrff gydnabod a phrif ffrydio'r dimensiwn sgiliau iaith. Dylai codau ymarfer dewis a phenodi'r sefydliad gyfeirio at gydymffurfio â Deddf yr Iaith Gymraeg a chynllun iaith y sefydliad ac yna nodi sut y gweithredir hynny o dan y penawdau perthnasol (proffiliau person, swydd ddisgrifiad, hysbysebu swyddi, pecynnau gwybodaeth i ymgeiswyr, cynnal cyfweiliadau a phrofion, gosod amodau cyfnod prawf ayyb). Isod ceir mwy o fanylion am ddulliau ymarferol o gyflawnir nodau hyn. Wrth ddiwygio a drafftio polisiau o'r fath mae'n bwysig ystyried cydymffurfiaeth cyfreithiol a deddfwriaeth gwrth wahaniaethol. Sonnir ymhellach am hyn yn Adran 6 isod.

### 5.1. Dull gwrthrychol ar gyfer pennu'r sgiliau iaith sydd eu hangen ar gyfer swydd

Mae angen trafod iaith fel mater o drefn pan gaiff swydd ei chreu o'r newydd neu pan ddaw swydd yn wag gan edrych ar allu e.e. gallu y tîm neu swyddfa i weithredu'n ddwyieithog yn ogystal â swydd yn unigol.

Yn gyntaf y mae angen sgrinio er mwyn penderfynu a yw'r Gymraeg yn sgil hanfodol, dymunol ynteu heb fod yn sgil perthnasol ar gyfer cyflawni gofynion y cyflogwr. Yn ail, ac os yw iaith yn ffactor, dylid gofalu nad oes camwahaniaethu ar sail hil yn digwydd drwy gynnal ymarferiad gwirio.

#### 5.1.1. Sgrinio

Awgrymwn y dylid penderfynu sut i gategoreiddio swydd ar sail y meini prawf megis y canlynol:

The organisation's policies and standard practices need to recognise and mainstream the language skills dimension. The organisation's selection and appointment codes of practice should refer to compliance with the Welsh Language Act and the organisation's language scheme and then identify how that is implemented under the relevant headings (person profiles, job description, job advertisements, information packs for candidates, conducting interviews and tests, setting probationary period conditions etc). Further details are provided below on practical ways of achieving these aims. In amending and drafting such policies it is important to consider legal compliance and anti-discrimination legislation. This is covered further in Section 6 below.

### 5.1. An objective approach to determining the necessary language skills for a post

Language needs to be discussed as matter of routine when a post is created or when a vacancy arises, through examining capacity e.g. the capacity of a team or office to operate bilingually as well as an individual post.

Firstly, a screening process needs to be undertaken to determine whether the Welsh language is essential, desirable or not relevant in terms of meeting the employer's requirements. Secondly, and if language is a factor, care must be taken to avoid any racial discrimination by conducting a verification exercise.

#### 5.1.1. Screening

We suggest that determining how a post is categorised should be based on criteria such as:

#### Hanfodol

Lle nad oes unrhyw un ar gael i ddarparu gwasanaeth drwy gyfrwng y Gymraeg neu os angen mwy os staff sy'n siarad Cymraeg er mwyn darparu gwasanaeth yn ddwyieithog. Dyma rai ystyriaethau:

- yr angen i gynorthwyo siaradwyr Cymraeg yn staff mewnol neu'n dderbynwyr gwasanaeth
- swydd a'i phriod swyddogaeth neu ran ohoni yw bod mewn cyswllt gyda'r cyhoedd, lle gallai hynny ddisgwyl i'r unigolyn allu cyfathrebu yn Gymraeg neu Saesneg fel ei gilydd
- swydd a leolir mewn cymuned iaith Gymraeg sydd â chyswllt rheolaidd gyda'r cyhoedd
- swyddi lle fo cyswllt uchel â siaradwyr Cymraeg
- sefyllfaoedd lle nad oes staff ar gael i ddarparu gwasanaeth Cymraeg
- sefyllfaoedd lle nad oes modd darparu gwasanaeth Cymraeg drwy swyddog arall
- ystyriaethau lleol polisi iaith sefydliad e.e. yr angen i weinyddu'n fewnol yn Gymraeg a Saesneg.
- yr angen i ddelio â sefydliadau eraill sy'n gweinyddu'n fewnol trwy gyfrwng y Gymraeg.

#### Dymunol

Lle mae staff sy'n siarad Cymraeg eisoes ar gael ond y byddai yn ddymunol cryfhau'r gronfa o siaradwyr Cymraeg er mwyn cyflwyno gwell gwasanaeth yna dylid hysbysebu swydd gyda'r Gymraeg yn ddymunol. Dyma rai ystyriaethau:

- yr angen i gynorthwyo siaradwyr Cymraeg yn staff mewnol neu'n dderbynwyr gwasanaeth

#### Essential

Where no one is available to provide a service through the medium of Welsh or if more Welsh-speaking staff are needed to provide a bilingual service. Here are some considerations:

- the need to assist Welsh speakers whether they are internal staff or service users
- a post which involves wholly or in part, being in contact with the public, where the individual is expected to be able to communicate in English or Welsh
- a post located in a Welsh-speaking community which has regular contact with the public
- posts which involve a great deal of contact with Welsh speakers
- situations where there are no members of staff available to provide a Welsh language service
- situations where it is not possible for another officer to provide a Welsh language service
- local considerations in an organisation's language policy e.g. the need to undertake internal administration in English and Welsh.
- the need to deal with other organisations who operate through the medium of Welsh internally.

#### Desirable

Posts should be advertised with Welsh desirable where Welsh-speaking staff are available but it would be desirable to strengthen the pool of Welsh speakers in order to provide a better service. Here are some considerations:

- the need to assist Welsh speakers whether they are internal staff or service users



- swydd a'i phriod swyddogaeth yw bod mewn cyswllt gyda'r cyhoedd
- unrhyw swydd a leolir mewn cymuned iaith Gymraeg neu i wasanaethu ardal Gymraeg ei hiaith
- swyddi lle fo cyswllt uchel â siaradwyr Cymraeg
- sefyllfaoedd lle nad oes staff ar gael i ddarparu gwasanaeth Cymraeg
- sefyllfaoedd lle nad oes modd darparu gwasanaeth Cymraeg drwy swyddog arall
- sefyllfaoedd lle byddai meddu ar fwy o staff Cymraeg eu hiaith yn gwella'r gwasanaeth Cymraeg
- sefyllfa lle byddai cyflogi swyddog Cymraeg ei iaith yn lleihau'r angen i ad-drefnu gwasanaeth a lle byddai ad drefnu yn cael effaith negyddol ar y gwasanaeth
- sefyllfa lle byddai gorfod darparu gwasanaeth Cymraeg drwy ofyn am gymorth gan swyddog arall yn cael effaith andwyol ar y gwasanaeth
- ystyriaethau lleol polisi iaith sefydliad e.e. yr angen i weinyddu'n fewnol yn Gymraeg a Saesneg.

Pan yn ystyried y meini prawf hyn mae'n bwysig bod tystiolaeth ar gael i gyfiawnhau'r penderfyniadau a chefnogi unrhyw achos ar gyfer y gofyniad iaith.

Yn ogystal â'r meini prawf uchod gall bod ffactorau eraill yng nghynllun iaith Gymraeg statudol sefydliad a dylid ystyried y ffactorau hyn pan yn penderfynu ar ofyniad ieithyddol swydd ar bob achlysur.

- a post involving contact with the public
- any post located in a Welsh-speaking community or serving a Welsh-speaking area
- posts which involve a great deal of contact with Welsh speakers
- situations where there are no members of staff available to provide a Welsh language service
- situations where it is not possible for another officer to provide a Welsh language service
- situations where employing more Welsh-speaking members of staff would improve the Welsh language service provided
- a situation where employing a Welsh-speaking officer would reduce the need for restructuring a service and where restructuring would have a detrimental effect on the service
- a situation where having to provide a Welsh language service by asking another officer for assistance would have a detrimental effect on the service
- local considerations in an organisation's language policy e.g. the need to undertake internal administration in English and Welsh.

It is important, when considering these criteria, that evidence is available to justify this decision and support any case for the language requirement.

As well as the above criteria there may be other factors contained in an organisation's statutory Welsh language scheme and such factors should always be considered when determining language requirements of posts.

### 5.1.2. Gwirio

Dylid gwirio yn unol ag adran 6.6.7 yr arweiniad hwn sy'n ystyried y prawf cyfreithiol a nodir yn Neddf Cysylltiadau Hiliol 1976 (fel y'i diwygiwyd) a'r meini prawf a sefydlwyd yn achos Crizzle<sup>1</sup>. Mae hwn yn rhan bwysig o'r broses a dylid sicrhau bod tystiolaeth i gefnogi unrhyw benderfyniad a gymerir. Gellir gwirio drwy ofyn dau brif gwestiwn:

- Beth yw'r cyd destun ieithyddol?
- A yw'r amcan yn ddilys a rhesymol ac a yw'r dull o gyrraedd y nod sef anghenion ieithyddol y cyflogwr yn rhesymol ac yn fwy na'r effaith wahaniaethol?

Efallai y dylid ystyried os oes modd arall llai gwrth wahaniaethol o gyrraedd yr un nod, er enghraifft, drwy hyfforddi staff i gaffael y sgiliau ieithyddol angenrheidiol.

### 5.1.3 Israddio gofynion iaith

Rydym yn ymwybodol yr hysbysebwr rhai swyddi gyda'r Gymraeg yn hanfodol i ddechrau ond oherwydd diffyg denu ymgeiswyr addas yr ail hysbysebwr gyda'r Gymraeg yn ddymunol. Os yw sefydliad yn penderfynu bod y Gymraeg yn hanfodol i ddechrau yna mae'n rhaid bod yna newidiadau sylfaenol yn nyletswyddau a chyfrifoldebau'r swydd, yn ogystal â sicrhau bod dull arall o ddarparu gwasanaeth iaith Gymraeg, cyn ail hysbysebu gyda'r Gymraeg yn ddymunol.

### 5.1.2 Verification

The verification process should be undertaken in accordance with section 6.6.7 of this guidance which considers the legal test set out in the Race Relations Act 1976 (as amended) and the criteria established in the case of Crizzle<sup>1</sup>. This is an important part of the process and one that requires evidence to support any decision taken. Verification may be carried out by asking two main questions:

- What is the linguistic context?
- Is the objective legitimate and reasonable and is the approach taken to achieve the objective, ie. the employer's linguistic needs, reasonable, outweighing the discriminatory effect?

It may also be important to consider whether there is an alternative, less discriminatory, way of achieving the aim, such as training staff to acquire the necessary language skills.

### 5.1.3 Downgrading linguistic requirements

We are aware that some posts are first advertised with the Welsh language as essential but, because of a lack of suitable applicants, are re-advertised with the Welsh language as desirable. Should the organisation decide that Welsh is essential from the outset, then fundamental changes must be made to the duties and responsibilities of the post and other means of providing the Welsh language service will need to be established before it is re-advertised with Welsh as desirable.

<sup>1</sup> St Mathias Church of England School V Crizzle, [1993] IRLR 472

<sup>1</sup> St Mathias Church of England School V Crizzle, [1993] IRLR 472

## 5.2 Lefelau iaith

Yng nghyd destun cymwysterau hyfforddi, nid yw'r Bwrdd yn cymeradwyo un model ar gyfer cydnabod lefelau sgiliau. Defnyddir lefelau ar gyfer maes Cymraeg i Oedolion yn bennaf, neu o fewn y maes cymwysterau galwedigaethol. e.e. NVQ, lefelau Cymraeg i Oedolion neu gymhwyster arall. Maent i gyd yn addas.

Dyma'r dangosydd a ddefnyddir gan y Bwrdd ar gyfer adrodd ar hyfforddiant sgiliau:

**Nifer a chanran y staff (siaradwyr Cymraeg a dysgwyr) sydd wedi derbyn hyfforddiant yn y Gymraeg i lefel o gymhwyster penodol.**

Mae nifer o sefydliadau yn adnabod gallu ieithyddol eu gweithlu drwy ddefnyddio hunanasesiad lefelau iaith – llafar, ysgrifenedig ac ati. Mae'r lefelau hyn wedi eu creu gan y sefydliadau eu hunain at ddefnydd mewnol. Gall y dull yma fod yn effeithiol ar gyfer casglu gwybodaeth. Ceir enghraifft o hunanasesiad lefelau wedi ei selio ar fframwaith ALTE (The Association of Language Testers of Europe) yn Atodiad 3.

Yn nhermau recriwtio mae'r Bwrdd yn ffafrio dynodi swyddi'n ddau gategori sef datgan fod y Gymraeg naill ai'n ofyniad 'hanfodol' neu 'ddymunol' ar gyfer y swydd dan sylw. Nid yw'r Bwrdd yn annog defnyddio lefelau i gymryd lle y dynodiadau hanfodol / dymunol.

Fodd bynnag, ar ôl penderfynu a yw'r Gymraeg yn ofyniad hanfodol neu'n ddymunol ar gyfer y swydd gall sefydliad ystyried natur y rhagofynion ieithyddol sydd ei angen er mwyn gallu cyflawni'r swydd. Gellir defnyddio model siarad, ysgrifennu, deall ac ati bryd hynny. Mae angen gofal fodd bynnag nad trwy ddefnyddio lefelau y bydd y sefydliad yn egluro wrth ymgeiswyr

## 5.2 Language levels

In terms of training qualifications, the Board does not endorse one particular model for acknowledging skill levels. Levels are mainly used for Welsh for Adults, or in vocational qualifications e.g. NVQ, Welsh for Adults' levels or other qualifications. These are all suitable.

This is the indicator used by the Board for reporting skills training:

**The number and percentage of staff (Welsh speakers and learners) who have received training in Welsh to a specific level of competency.**

Many organisations identify the linguistic capacity of their workforce by using a language levels self-assessment – oral, written etc. These levels have been created by the organisations themselves for internal use. This approach can be effective in terms of collating information. There is an example of a levels self-assessment based on the ALTE framework (The Association of Language Testers of Europe) in Appendix 3.

In terms of recruitment, the Board favours designating posts in two categories: stating that Welsh is either an 'essential' or 'desirable' requirement for the post. The Board does not encourage the use of levels in place of the essential/desirable designations.

However, after determining whether Welsh is an essential or desirable requirement an organisation can then consider the necessary linguistic prerequisites for carrying out the post. The speaking, writing, understanding etc model can then be used. An organisation should be careful to avoid using levels to explain to a candidate what the post's linguistic

yn union beth yw rhagofynion ieithyddol swydd gan fod dulliau llawer mwy effeithiol a dealladwy o gyfleu'r rhagofynion i ymgeisydd. Gweler 5.5.1 am enghreifftiau.

## 5.3 Gofynion a rhagofynion iaith mewn hysbysebion swyddi

Mae arolwg<sup>2</sup> ar ran Bwrdd yr Iaith Gymraeg wedi darganfod bod amryw o gyrff cyhoeddus yn peidio â nodi'r Gymraeg yn hanfodol ar gyfer unrhyw swyddi – hyd yn oed swyddi sy'n delio â sefyllfaoedd sy'n hynod o iaith sensitif.

Y rhesymau a roed dros beidio nodi'r Gymraeg yn hanfodol oedd ansicrwydd cyfreithiol a rhagdybiaeth neu brofiad blaenorol na fydd siaradwyr Cymraeg yn cynnig am swydd sy'n datgan bod 'y Gymraeg yn hanfodol'.

Mae Sgiliau Dyfodol Cymru (prosiect ymchwil er mwyn sefydlu anghenion sgiliau cyffredinol Cymru gyfan) yn diffinio sgiliau Cymraeg fel **"Y gallu i ddarllen, ysgrifennu a siarad Cymraeg ar lefel sy'n angenrheidiol i weithredu a symud ymlaen, yn y gwaith a thu hwnt."**

Dylai hysbysebion a swydd ddisgrifiadau fod yn eglur pan yn disgrifio'r sgil neu gymhwyster angenrheidiol i weithio trwy gyfrwng y Gymraeg. Un dull o wneud hyn yw drwy ddefnyddio geiriad perthnasol hawdd ei ddirnad pan yn hysbysebu.

Dywed cyflogwyr sydd wedi ychwanegu geiriad recriwtio ymarferol a pherthnasol i'r swydd eu bod wedi bod yn fwy llwyddiannus wrth benodi siaradwyr Cymraeg (a thrwy hynny'n fwy effeithlon a chost-effeithiol).

<sup>2</sup> Cynllunio a Rheoli Sgiliau Dwyieithog, Astudiaeth ar ran Bwrdd yr Iaith Gymraeg gan Cwmni Iaith, 2006

prerequisites are, as there are far more clear and effective ways of communicating the prerequisites to a candidate. See 5.5.1 for examples.

## 5.3 Language requirements and prerequisites in job advertisements

A survey<sup>2</sup> carried out on behalf of the Welsh Language Board has discovered that a variety of public bodies do not state that the Welsh language is essential for any post – even posts which deal with situations which are extremely sensitive in terms of language.

The reasons given for not stating that Welsh is essential were legal uncertainty and the presumption or previous experience that Welsh speakers will not apply for a post which states that 'Welsh is essential.'

Future Skills Wales (a research project to establish general skills needs of Wales) define Welsh skills as **"The ability to read, write, and speak Welsh at a level necessary to function and progress at work and in society in general."**

Advertisements and job descriptions should be clear when describing the necessary skill or qualification to work through the medium of Welsh. One way of doing this is to use relevant and user-friendly wording in advertisements.

Employers who have added practical and relevant recruitment wording for the post say that they have been more successful in appointing Welsh speakers (and as a result of that more efficient and cost-effective).

<sup>2</sup> The Planning and Management of Bilingual Skills, a Study conducted on behalf of the Welsh Language Board by Cwmni Iaith, 2006



#### 5.4 Manyleb person

Mae gwahaniaeth cyfreithiol ac ymarferol rhwng yr iaith fel **cymhwyster** a'r iaith fel **sgil** ar gyfer cyflawni dibenion swydd.

Mae'r Bwrdd o'r farn y dylid cynnwys cyfeiriadau safonol o dan y pennawd 'Sgiliau ar gyfer cyflawni'r swydd' neu debyg yn y manyleb person. Gellir cynnwys is-bennawd e.e. 'Iaith Gweithio' yn y fanyleb.

Dylid dangos cymhwyster iaith er enghraifft TGAU, safon uwch neu gradd yn y Gymraeg neu dystysgrif cyfieithu a.y.y.b. ar wahân yn ei briod le ar fanyleb.

Enghraifft o ddynodi'r Gymraeg fel sgil mewn manylebau person.

#### 5.4 Person specification

There is a legal and practical difference between language as a **qualification** and language as a **skill** in terms of fulfilling the requirements of a post.

The Board believes that standard references should be included under the heading 'Skills required for the post' or similar wording in the person specification. A sub-heading could be included e.g. 'Working Language' in the specification.

A language qualification such as a GCSE, A level or degree in Welsh or a translation certificate etc should be shown separately in the relevant place in a specification.

An example of designating Welsh as a skill in person specifications.

#### Rheolwr prosiect

Gwrando a Siarad:

Gallu cyflwyno pob agwedd o'r swydd ar lafar yn hyderus drwy gyfrwng y Gymraeg a'r Saesneg gystal â'i gilydd. Bydd hyn yn cynnwys gwneud cyflwyniadau cyhoeddus yn y ddwy iaith.

Darllen a Deall:

Gallu defnyddio a dehongli'n gywir unrhyw wybodaeth o amrywiol ffynonellau drwy gyfrwng y Gymraeg a'r Saesneg ar gyfer cyflawni holl agweddau'r swydd.

Ysgrifennu:

Gallu cyflwyno gwybodaeth yn ysgrifenedig drwy gyfrwng y Gymraeg a'r Saesneg mewn modd gwbl hyderus gan ddefnyddio'r dull a'r iaith fwyaf priodol ar gyfer y pwnc a'r gynulleidfa.

#### Project manager

Listening and Speaking:

Able to fulfil all spoken aspects of the post with confidence through the medium of English and Welsh to the same standard. This will include giving public presentations in both languages.

Reading and Understanding:

Able to use and interpret any information from various sources through the medium of English and Welsh in order to fulfil all aspects of the post.

Writing:

Able to present information in writing through the medium of English and Welsh with complete confidence using the most appropriate method and language for the subject and audience.

#### Cynorthwydd chwarae

Gwrando a Siarad:

Gallu cyflwyno pob agwedd o'r swydd ar lafar yn hyderus drwy gyfrwng y Gymraeg a'r Saesneg gystal â'i gilydd.

Darllen a Dealltwriaeth:

Gallu defnyddio a dehongli'n gywir unrhyw wybodaeth o amrywiol ffynonellau ar gyfer cyflawni holl agweddau'r swydd.

Ysgrifennu:

Gallu llenwi ffurflen safonol a llunio llythyr byr drwy gyfrwng y Gymraeg a Saesneg drwy ddefnyddio cyfres o frawddegau allweddol i gyfleu gwybodaeth syml.

#### Play assistant

Listening and Speaking:

Able to fulfil all spoken aspects of the post with confidence through the medium of English and Welsh to the same standard.

Reading and Understanding:

Able to use and interpret any information from various sources in order to fulfil all aspects of the post.

Writing:

Able to complete a standard form and write a short letter through the medium of English and Welsh by using a series of key sentences to communicate basic information.

#### 5.5 Sgiliau iaith mewn disgrifiad swydd

Bydd asesiad sgiliau iaith wedi rhoi diffiniad o ofynion sgil iaith y swydd a dylid geirio hynny yn y swydd ddisgrifiad yn syml a theg.

Dylid geirio'r manylion yn ofalus.

Gwell fyddai disgrifio pa fath o gymwyseddau Cymraeg sy'n hanfodol yn hytrach na defnyddio geiriad cyffredinol yn unig. Er enghraifft os yw'r gallu i siarad Cymraeg yn hanfodol byddai disgrifiad o'r union ofynion ieithyddol yn gymorth i ymgeiswyr e.e. 'Bydd y sawl a benodir yn gallu sgwrsio'n hyderus a chartrefol yn Gymraeg a Saesneg gyda chwsmeriaid'. Os yn chwilio am ymgeiswyr all ysgrifennu yn y Gymraeg gellid cynnwys disgrifiad megis 'Bydd yr ymgeisydd llwyddiannus yn gallu ateb ymholiadau llafar yn Gymraeg a Saesneg yn ogystal ag ateb gohebiaeth yn y ddwy iaith.' Gellid ychwanegu

#### 5.5 Language skills in a job description

A language skills assessment will have provided a definition of the language skills requirement of the post and that should be worded plainly and impartially in the job description.

The details should be worded carefully. It would be better to describe what kind of Welsh language competencies are essential or desirable rather than simply using generic wording. For example if the ability to speak Welsh is essential, a description of the exact linguistic requirements would assist candidates e.g. 'The successful candidate will be able to converse with customers with confidence and ease in both English and Welsh'. If seeking candidates able to write in Welsh, a description such as 'The successful candidate will be able to answer verbal enquiries in English and Welsh as well as respond to correspondence

'Cynigir hyfforddiant i wella Cymraeg ysgrifenedig os bydd angen.'

Mae nifer o sefydliadau cyhoeddus yn cynhyrchu disgrifiadau swydd generig ar gyfer swyddi. Dylai rheolwyr fod yn hyblyg wrth weithio gyda disgrifiadau swydd generig ac ystyried yr iaith Gymraeg bob amser cyn hysbysebu swydd wag gan ystyried ffactorau ieithyddol ardal a gallu swyddfeydd neu dimau i ddarparu gwasanaeth Cymraeg. Dylid sicrhau bod modd i reolwyr ychwanegu gofynion ieithyddol penodol i gynnwys cyffredinol y disgrifiad swydd a manyleb person, yn ôl yr amgylchiadau ar y pryd.

#### 5.5.1 Geiriad rhagofyniad mewn swydd ddisgrifiad

Ar ôl categorio'r gofynion iaith ar sail anghenion y gwasanaeth dylid ystyried rhagofynion y swydd gan fanylu ar y sgiliau iaith fydd eu hangen i gyflawni'r gwaith – ysgrifennu adroddiadau, siarad yn gyhoeddus neu ateb ffôn. Mae'n bwysig osgoi rhoi disgwyliadau ieithyddol sy'n uwch na gofynion y swydd am resymau ymarferol a chyfreithiol. Isod ceir amrediad o gymwyseddau y gellid eu cynnwys mewn rhagofynion swydd.

Bydd y sgrinio cychwynol ac yna pennu'r cymwyseddau sydd eu hangen yn cynnig geiriad gwrthrychol a swydd benodol.

Enghreifftiau o eiriad yn gofyn am rhagofynion iaith mewn hysbyseb swydd:

#### Clerc Apwyntiadau

Mae'r gallu i sgwrsio'n gartrefol gyda chwsmeriaid yn Gymraeg yn hanfodol ar gyfer y swydd.

in both languages' could be used.

'Training will be offered to improve written Welsh if needed' could be added.

Many public organisations produce generic job descriptions. Managers should be flexible with generic job descriptions and should always bear the Welsh language in mind before advertising a post. They should consider the linguistic make-up of the area and the capacity of offices or teams to provide a Welsh language service. Managers should be able to add specific language requirements to the general content of the job description and person specification according to current circumstances.

#### 5.5.1 Wording prerequisites in a job description

After categorising the language requirements based on service needs the prerequisites of the post should be considered detailing the language skills needed to undertake the work – writing reports, public speaking or answering the telephone. It is important not to set linguistic expectations which are higher than the requirements of the post for practical and legal reasons. Below is a range of competencies which could be included in prerequisites for a post.

Initial screening and subsequent setting of the required competencies will provide objective wording specific to the post.

Examples of wording asking for language prerequisites in a job description:

#### Appointments Clerk

The ability to converse at ease with customers in Welsh is essential for the post.

#### Gweithiwr Cymdeithasol

Mae'r gallu i baratoi adroddiadau cleient yn Gymraeg yn hanfodol ar gyfer y swydd.

#### Swyddog Cyllid

Byddai'n ddymunol pe gallai'r ymgeisydd llwyddiannus ateb gohebiaeth syml yn Gymraeg.

#### Rheolwr Prosiect

Mae'r gallu i roi cyflwyniadau cyhoeddus a pharatoi adroddiadau yn Gymraeg yn hanfodol ar gyfer y swydd hon.

#### Derbynnydd

Mae'r gallu i siarad Cymraeg gyda'n cwsmeriaid yn ddymunol ar gyfer y swydd hon.

#### Swyddog Gofal Cymdeithasol

Mae'r gallu i gynnal sgwrs syml yn y Gymraeg yn hanfodol ar gyfer y swydd hon.

#### Seicolegydd Addysg

Mae'r gallu i gynnal asesiadau seicolegol trwy gyfrwng y Gymraeg a'r Saesneg a'r gallu i gyflwyno gwybodaeth yn ysgrifenedig yn y ddwy iaith yn hanfodol ar gyfer y swydd hon.

#### Cyfarwyddwr

Rydym yn chwilio am gyfarwyddwr sy'n gallu defnyddio'r Gymraeg i safon uchel ar lafar ac yn ysgrifenedig er mwyn ymgymryd â chyfweliadau yn y wasg ac ymateb i ohebiaeth dechnegol.

#### Swyddog Amgylchedd

Mae'r gallu i lunio dogfennau technegol yn y Gymraeg a'r Saesneg yn hanfodol ar gyfer y swydd hon.

#### Social Worker

The ability to prepare client reports in Welsh is essential for the post.

#### Finance Officer

It would be desirable if the successful candidate could respond to basic correspondence in Welsh.

#### Project Manager

The ability to give public presentations and prepare reports in Welsh is essential for this post.

#### Receptionist

The ability to speak Welsh with our customers is desirable for this post.

#### Social Care Officer

The ability to conduct a simple conversation in Welsh is essential for this post.

#### Educational Psychologist

The ability to conduct psychological assessments through the medium of English and Welsh and the ability to present written information in both languages is essential for this post.

#### Director

We are looking for a director who can both speak and write Welsh to a high standard in order to conduct interviews with the press and respond to technical correspondence.

#### Environment Officer

The ability to produce technical documents in English and Welsh is essential for this post.



### Swyddog Ieuencid

Mae'r gallu i arwain gweithgareddau i blant a phobl ifanc trwy gyfrwng y Gymraeg yn hanfodol i'r swydd hon.

### Swyddog Gweinyddol

Mae'r gallu i ysgrifennu llythyrau a chofnodion mewn Cymraeg cywir yn hanfodol ar gyfer y swydd hon.

### Ffisiotherapydd

Mae'r gallu i roi cyfarwyddiadau a chyngor yn y Gymraeg yn hanfodol ar gyfer y swydd hon a'r gallu i ysgrifennu yn y Gymraeg yn ddymunol.

### Youth Officer

The ability to lead activities for children and young people through the medium of Welsh is essential for this post.

### Administrative Officer

The ability to write letters and record minutes correctly in Welsh is essential for this post.

### Physiotherapist

The ability to give instructions and advice in Welsh is essential for this post and the ability to write in Welsh is desirable.

## 5.6 Pecyn recriwtio

Yr arfer gorau yw darparu'r holl ddeunyddiau mewn pecyn recriwtio gan gynnwys y deunyddiau safonol a'r wybodaeth benodol am swydd yn ddwyieithog beth bynnag yw gofynion ieithyddol y swydd. Mae darparu'r wybodaeth a'r ffurflen gais yn ddwyieithog yn fater o gyfle cyfartal. Mae nifer o gyrff cyhoeddus yn gosod eu pecynnau recriwtio ar eu gwefannau lle caiff y defnyddiwr ddewis iaith.

Tra'n gweithio tuag at y nod o ddarparu popeth yn ddwyieithog gellid llunio deunydd safonol am bob swydd yn ddwyieithog gyda'r deunydd mwy penodol yn ddwyieithog pan fo dwyieithrwydd / sgiliau iaith yn berthnasol i'r swydd. Dylai cynllun iaith sefydliadau unigol fanylu ar eu hymrwymiad o ran defnyddio'r Gymraeg mewn pecynnau swydd. Nid yw'n arfer da i gynhyrchu pecyn swydd Saesneg yn unig lle fo gofynion sgiliau iaith Gymraeg i'r swydd honno.

## 5.6 Recruitment pack

It is best practice to provide all the material in a recruitment pack bilingually, including the standard material and specific information on a post, whatever the post's linguistic requirements. Providing both the information and application form in a bilingual format is a matter of equal opportunities. A number of public sector organisations provide their recruitment packs on their websites where the user may choose their preferred language.

Whilst working towards the aim of providing everything bilingually, standard material may be produced for every post in a bilingual format with more specific information being provided bilingually when bilingualism / language skills are relevant to the post. Individual organisations' language schemes should detail their commitment to using the Welsh language in recruitment packs. Producing English-only packs where a post has Welsh language requirements is not considered good practice.

## 5.7 Ffurflen gais a cheisiadau swydd

Rhaid i'r swyddogion sy'n cloriannu'r ceisiadau unai fod yn ddwyieithog neu dderbyn cyfieithiad o gais Cymraeg. Dylid sicrhau bod sefydliad yn gallu derbyn ceisiadau swyddi yn y Gymraeg yn unig ac ymdrin â hwy mewn modd priodol.

Yn ddibynol ar y rhagofynion mae'n bosibl y bydd angen gofyn am fanylion am yr iaith Gymraeg mewn dau le ar y ffurflen gais –

- (i) cymhwyster er enghraifft gradd yn y Gymraeg neu dystysgrif cyfieithu.
- (ii) sgil ar gyfer cyflawni'r swydd

Gellir hefyd cynnwys cwestiwn yn gofyn am ddewis iaith yr ymgeisydd ar gyfer cyfweiliad.

### Os cewch eich dewis am gyfweiliad yma mha iaith yr hoffech gael eich cyfweiliad?

Cymraeg / Saesneg

## 5.8 Ffurflen cyfle cyfartal

Mae angen cynnwys bylchau safonol ynglŷn â gallu ieithyddol ar ffurflenni monitro cyfle cyfartal safonol y sefydliad. Mae hyn yn fater cyfle cyfartal yn ogystal â chofnodi sgiliau.

Bylchau posib:

	Siarad Cymraeg	Darllen Cymraeg	Ysgrifennu Cymraeg
Dim			
Ychydig			
Eithaf da			
Rhugl			

## 5.7 Application form and job applications

The officers responsible for evaluating applications should either be bilingual or be provided with a translation of a Welsh application form. Steps must be taken to ensure that an organisation can receive job applications in Welsh only and deal with them in an appropriate manner.

Depending on the prerequisites it is possible that details on the Welsh language will be required in two places on the application form –

- (i) qualification for example a degree in Welsh or translation certificate.
- (ii) skill for carrying out the role.

A question may also be included on the applicant's preferred language for an interview.

### If you are selected for an interview in which language would you like to be interviewed?

English / Welsh

## 5.8 Equal opportunities form

Standard boxes on linguistic ability need to be included on the organisation's standard equal opportunities monitoring forms. This is a matter of equal opportunities as well as the recording of skills.

Possible boxes:

	Speak Welsh	Read Welsh	Write Welsh
None			
A little			
Fairly good			
Fluent			

## 5.9 Cyfweliad recriwtio

Mae mwy nag un dull cywir o ddelio gyda cyfweliadau recriwtio ond mae rhai camau pwysig y gellid eu cymryd er mwyn sicrhau triniaeth mor deg â phosib a sicrhau canlyniad boddhaol.

### 5.9.1.

Er mai ymarferiad cystadleuol yw cyfweliad, awgrym y Bwrdd yw ei bod yn arfer da cynnig cyfleon i ymgeiswyr i ddefnyddio eu dewis iaith (Cymraeg neu Saesneg) pan yn trefnu cyfweliadau a chynllunio'r broses er mwyn bod mor deg â phosib gyda phawb.

### 5.9.2

Dylid hysbysu'r ymgeisydd beth fydd y drefn ieithyddol yn y cyfweliad fel bod ymgeisydd yn gwybod beth i'w ddisgwyl ymlaen llaw ac yn gallu paratoi, (e.e. yr angen i ddangos gallu yn y ddwy iaith, iaith y panelwyr, cyfieithu ar y pryd neu gwestiynau yn y ddwy iaith, prawf iaith ar wahân, ayyb).

### 5.9.3.

Os yw'n bosibl, dylai aelodau'r panel cyfweld fod yn ddwyieithog. Os nad yw hynny'n bosibl dylai cynifer â phosib ohonynt fod yn ddwyieithog. Dylid cyfethol swyddog dwyieithog ychwanegol i gyfweld os nad yw'r swyddogion arferol yn siarad Cymraeg.

### 5.9.4

Mae'n arferiad gan sawl sefydliad i ddarparu gwasanaeth cyfieithu ar y pryd i banelwyr di-Gymraeg. Bydd angen

## 5.9 Recruitment interview

There is more than one correct approach to dealing with recruitment interviews but there are some important steps which can be taken to ensure as fair a treatment as possible and to ensure satisfactory results.

### 5.9.1

Although an interview is a competitive exercise, the Board suggests that it is good practice to offer candidates the opportunity to use the language of their choice (Welsh or English) when arranging interviews and planning the process in order to treat everyone as fairly as possible.

### 5.9.2

The candidate should be advised of how the interview will be conducted in terms of which language(s) will be used so that they are aware of what to expect beforehand and able to prepare, (e.g. the need to show ability in both languages, the language spoken by the panel, simultaneous translation or questions in both languages, a separate language test, etc).

### 5.9.3

Where possible, members of the interview panel should be bilingual. If that is not possible, as many as possible should be bilingual. An additional bilingual officer should be co-opted to take part in the interview if the regular officers do not speak Welsh.

### 5.9.4

Many organisations choose to provide a simultaneous translation service for non-Welsh speaking members of the panel.

i God Ymarfer y sefydliad roi sylw i briodoldeb cyfweld gyda chyfieithu gan roi arweiniad da os gwneir hynny.

### 5.9.5.

Dylid briffio'r panelwyr mewn dull safonol ynglŷn â gofynion cynnal cyfweliad dwyieithog, a pherthnasedd (os oes) y sgil iaith i gyfrifoldebau'r swydd.

### 5.9.6

Yn ôl tystiolaeth a gasglwyd ar ran y Bwrdd<sup>3</sup> mae nifer o gyrff cyhoeddus eisoes yn cynnig cyfweliad drwy gyfrwng y Gymraeg i ymgeiswyr fel arfer safonol beth bynnag fo gofynion y swydd. Pan fo'r Gymraeg yn hanfodol ar gyfer swydd ymddengys bod mwy fyth yn cynnal y rhan fwyaf neu ran o'r cyfweliad yn Gymraeg. Mae'n arfer da i gynnig cyfweliad trwy gyfrwng y Gymraeg beth bynnag yw gofyniad ieithyddol y swydd.

## 5.10 Profi sgiliau iaith

Pan fo cyfiawnhad dros ddynodi sgiliau iaith fel meini prawf hanfodol neu ddymunol, bydd angen i'r ymgeiswyr sefyll prawf. Mae angen amrywio'r modd y profir sgiliau iaith yn ôl dyletswyddau'r swydd. Gall cwestiynau llafar yn y Gymraeg fod yn ddigonol ar gyfer swydd lle mae'r gallu i siarad Cymraeg yn hanfodol neu'n ddymunol ar gyfer cyflawni'r swydd ond pan fo angen gallu defnyddio'r Gymraeg

<sup>3</sup> Cynllunio a Rheoli Sgiliau Dwyieithog, Astudiaeth ar ran Bwrdd yr Iaith Gymraeg gan Cwmni Iaith, 2006

The organisation's Code of Practice will need to examine the appropriateness of conducting interviews using a translator and should provide sound guidance if this is the chosen method.

### 5.9.5.

Members of the panel should be briefed, according to standard procedures, on the requirements of conducting a bilingual interview, and the relevance (if applicable) of the language skill to the responsibilities of the post.

### 5.9.6

According to evidence collected on behalf of the Board<sup>3</sup> a number of public bodies already offer interviews through the medium of Welsh to candidates as standard practice whatever the requirements of the post. When the Welsh language is essential to a post it appears that even more conduct the majority or part of the interview in Welsh. It is good practice to offer an interview through the medium of Welsh irrespective of the language requirements of the post.

## 5.10 Testing language skills

Where language skills have been justifiably set as essential or desirable criteria, there will be a need to test applicants. The way in which language skills are tested needs to vary according to the duties of the post. Oral questions in Welsh can be sufficient for a post where the ability to speak Welsh is essential or desirable in order to fulfil the role but when the Welsh language needs to be

<sup>3</sup> The Planning and Management of Bilingual Skills, a Study conducted on behalf of the Welsh Language Board by Cwmni Iaith, 2006

yn ysgrifenedig yna fe all fod angen prawf ysgrifenedig byr. Dylai'r prawf ysgrifenedig adlewyrchu'r math o iaith y mae angen ei defnyddio wrth wneud y swydd.

### 5.11 Cloriannu ymgeiswyr

Dylai Cod Ymarfer y sefydliad nodi bod angen i'r sawl sy'n cloriannu ymgeiswyr ddeall anghenion ieithyddol y swydd a dylid darparu dull gwrthrychol i'r panel i gloriannu gan adlewyrchu yr hyn a nodir yn y manyleb person.

### 5.12 Cytundeb gwaith

Mae dysgu iaith yn cymryd amser ac fe ddylid ystyried yn ofalus cyn rhoi amod dysgu fel modd o lenwi swydd lle mae angen sgiliau Cymraeg. Dylid ystyried a fyddai'n haws i siaradwr Cymraeg ddysgu sgiliau eraill er mwyn gallu cyflawni'r swydd. Mae'n bosibl y byddai'n haws hyfforddi siaradwyr Cymraeg rhugl yn y sgiliau galwedigaethol nag i unigolyn di-Gymraeg ddysgu Cymraeg. Fodd bynnag, os yw dysgu'r Gymraeg i safon benodol yn amod swydd rhaid nodi hynny'n ffurfiol o fewn cytundebau gwaith er mwyn sicrhau bod rheidwydd ar unigolyn i gyrraedd y safon disgwyledig o fewn cyfnod penodol. Mae angen cysylltu'r amod i gynllun dysgu clir ar gyfer y swyddog dan sylw ac i ddull o asesu llwyddiant. Gellid hefyd ystyried cynnwys y cyfrifoldeb i gynnig gwasanaethau dwyieithog o fewn cytundeb gwaith. Dylid cyfeirio hefyd at adran 6.5 o'r arweiniad hwn.

used in writing a short written test may be required. The written test should reflect the kind of language which needs to be used in carrying out the job.

### 5.11 Evaluating candidates

The organisation's Code of Practice should note that those responsible for evaluating candidates need to understand the linguistic needs of the post and the panel should be provided with an objective method of evaluating candidates according to what is set out in the person specification.

### 5.12 Contract of employment

Learning a language takes some time and careful consideration should be given before making it a condition of employment as a means of filling a post where Welsh language skills are a necessity. Organisations should consider whether it would be easier for Welsh speakers to learn other skills in order to carry out the post. It may be the case that it is easier to train fluent Welsh speakers in occupational skills than it is for a non-Welsh speaker to learn Welsh. However, if learning Welsh to a specific standard is a condition of the post that has to be formally noted in contracts of employment to ensure that individuals are required to reach the expected standard within a specific timeframe. The condition needs to be linked to a clear learning plan for the officer in question and to a method of assessing success. Consideration could also be given to including the responsibility for offering bilingual services in a contract of employment. Reference should also be made to section 6.5 of this guidance.

### 5.13 Anwytho

Mae cyfnod sefydlu staff newydd yn eu swyddi yn allweddol bwysig o ran dechrau sefydlu eu dealltwriaeth o ddiwylliant mewnol y corff a'r ymddygiad a ddisgwylir ganddynt. Mae'n briodol felly i sefydliad ystyried sut y mae am gyfleu i staff newydd y cysyniad o ddefnyddio sgiliau iaith staff i ddarparu gwasanaeth dwyieithog. Dyma rai o'r dulliau a ddefnyddir gan gyrff cyhoeddus er mwyn cyflawni hyn:

- (i) Cynnwys gwybodaeth am gynllun iaith y sefydliad mewn pecyn sefydlu i staff newydd.
- (ii) Pob aelod newydd o staff yn derbyn crynodeb o'r cynllun iaith a / neu gopi cyflawn o'r cynllun iaith.
- (iii) Cyflwyniad neu weithdy ar gyfer staff newydd, fel rhan o gwrs sefydlu neu hyfforddiant 'gofal cwsmer' i staff newydd.
- (iv) Staff newydd yn derbyn canllawiau a / neu sesiynau briffio ar weithredu'r rhannau hynny o'r cynllun iaith sy'n berthnasol i'w swydd.

### 5.13 Induction

The induction period for new staff is vitally important with regard to establishing their understanding of the organisational culture and the way in which they are expected to behave. Therefore, it is appropriate for an organisation to consider how it wishes to make new recruits aware of the concept of using their language skills to provide a bilingual service. Some approaches adopted by public bodies in order to achieve this are as follows:

- (i) Including information on the organisation's language scheme in an induction pack for new members of staff.
- (ii) Every new member of staff to receive a summary of the language scheme and / or the language scheme in full.
- (iii) A presentation or workshop for new members of staff, as part of an induction course or 'customer care' training for new members of staff.
- (iv) New members of staff to receive guidance and/or briefing sessions on implementing the relevant parts of the language scheme to their post.



**Dehongliad o'r sefyllfa gyfreithiol –  
iaith a recriwtio**

**Interpretation of the legal position –  
language and employment**

Dangosodd arolwg<sup>4</sup> ar ran Bwrdd yr Iaith Gymraeg bod nifer o gyrff cyhoeddus yn peidio â nodi'r Gymraeg fel sgil hanfodol oherwydd ansicrwydd cyfreithiol. Er bod y ddogfen arweiniol yma yn hyrwyddo yr iaith Gymraeg a gweithleoedd dwyieithog mae'n bwysig nad oes penderfyniadau yn cael eu cymryd a fydd yn gwahaniaethu yn erbyn grwpiau sy'n cael eu gwarchod yn gyfreithiol. Yn yr adran yma trafodir y deddfau a'r cytundebau sy'n arwain y ddogfen yma. Mae'n bwysig bod gan sefydliadau bolisiâu cyflogaeth sy'n delio â'r materion hyn mewn modd sy'n cydymffurfio gyda'r ddeddfwriaeth berthnasol a chyda'r adran hon. Dylai hyn fod o gymorth sicrhau fod sefydliad yn gweithredu yn briodol wrth hyrwyddo gweithlu dwyieithog.

Mae'r drafodaeth isod yn rhoi manylion deddfwriaeth berthnasol ac achosion a allai gael eu defnyddio i ddarparu tystiolaeth i gefnogi'r symudiad tuag at weithlu dwyieithog. Mae'n bwysig nodi bod unrhyw achos unigol yn dibynnu ar y ffeithiau a'r amgylchiadau ar y pryd felly ni fydd yn amddiffyniad llwyr i unrhyw achos o wrth wahaniaethu. Yn yr un modd darperir yr achosion cyfreithiol yn nhestun y ddogfen hon fel arweiniad yn unig. Dylid cymryd gofal felly wrth ddarllen yr arweiniad hwn ac fe all fod yn angenrheidiol neu'n briodol i gymryd cyngor cyfreithiol pellach ar amgylchiadau unigol unrhyw achos.

<sup>4</sup> Cynllunio a Rheoli Sgiliau Dwyieithog, Astudiaeth ar ran Bwrdd yr Iaith Gymraeg gan Cwmni Iaith, 2006

A survey<sup>4</sup> conducted on behalf of the Welsh Language Board showed that a number of public bodies do not state that Welsh is an essential skill due to legal uncertainty. Although this guidance aims to promote the Welsh language and a bilingual workforce, it is important that no action is taken to discriminate against groups protected under the law. In this section we examine the acts and agreements which form the basis of this guide. It is important that organisations have employment policies dealing with this issue that are compliant with the relevant legislation and in accordance with this section. This should help ensure that an organisation operates appropriately in promoting a bilingual workforce.

The commentary below provides details of relevant legislation and cases which may be used to provide evidence in support of the move towards a bilingual workforce. It is important to note that any particular case will depend on its own facts and circumstances, so this will not be an absolute defence to any claim of discrimination. Similarly the case law contained in this guidance is provided as guidance only. Therefore, care should be taken when reading this guidance and it may be necessary or appropriate to obtain further legal advice on the particular circumstances of any case.

<sup>4</sup> The Planning and Management of Bilingual Skills, a Study conducted on behalf of the Welsh Language Board by Cwmni Iaith, 2006

## 6.1. Siarter Ewrop ar gyfer leithoedd Rhanbarthol neu Leiafrifol

Arwyddodd Llywodraeth y Deyrnas Unedig y siarter hwn ym Mawrth 2001 ac felly ymrwymodd i weithredu'r siarter yng nghyswllt y iaith Gymraeg. Un o amcanion ac egwyddorion y siarter sy'n allweddol i'r canllaw hwn yw nad yw cymryd camau er mwyn hyrwyddo cydraddoldeb ieithyddol yn camwahaniaethu.

**"The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the uses of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages".** Erthygl 7, Siarter Ewrop ar gyfer leithoedd Rhanbarthol a Lleafrifol 1992.

Mae Llywodraeth y Deyrnas Unedig felly yn deall yr angen i fabwysiadu mesurau arbennig o blaid iaith leiafrifol er mwyn hybu cydraddoldeb ieithyddol. Nid yw hynny yn tramgwyddo yn erbyn siaradwyr ieithoedd mwy eu defnydd.

**"...considering that the right to use a regional or minority language in private and public life, is an inalienable right conforming to the principles embodied in the United Nations International Covenant on civil and political rights, and according to the spirit of the Council of Europe Convention for the protection of human rights and fundamental freedoms".** Rhagair, Siarter Ewrop ar gyfer leithoedd Rhanbarthol a Lleafrifol 1992.

Mae'r Siarter a Deddf yr Iaith Gymraeg ill dau yn gosod y cyd-destun ar gyfer

## 6.1. The European Charter for Regional or Minority Languages

The UK Government ratified this charter in March 2001 thus committing itself to its implementation with regard to the Welsh language. One of the principles of the charter, which is fundamental to this guide, is that taking steps to promote linguistic equality is not classed as discrimination.

**"The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the uses of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages".** Article 7, The European Charter for Regional or Minority Languages 1992.

The UK Government therefore understands the need to adopt special measures in favour of minority languages in order to promote linguistic equality. That does not disadvantage the speakers of more widely used languages.

**"...considering that the right to use a regional or minority language in private and public life, is an inalienable right conforming to the principles embodied in the United Nations International Covenant on civil and political rights, and according to the spirit of the Council of Europe Convention for the protection of human rights and fundamental freedoms".** Preamble, The European Charter for Regional or Minority Languages 1992.

The Charter and the Welsh Language Act both provide a context for setting linguistic

dynodi amodau ieithyddol wrth recriwtio, er nad yw'r un ohonynt yn disodli'r angen i ddangos bod cyfiawnhad o dan Ddeddf Cysylltiadau Hiliol 1976 (fel y'i diwygiwyd).

## 6.2. Cyfraith Ewrop

Mae Cyfraith Ewrop yn gwahardd unrhyw gamau gan y gwladwriaethau sy'n rhwystro gweithwyr o wledydd eraill Ewrop rhag cael gwaith yn eu gwlad. Mae Rheoliad rhif 16/2/68, ynglŷn â rhyddid gweithwyr i symud o fewn y Gymuned yn unol â Chytundeb Rhufain, fodd bynnag yn gwneud eithriad ieithyddol penodol. Yn Erthygl 3 nodir bod modd cyfiawnhau gofyn am wybodaeth ieithyddol arbennig os yw hynny'n rhesymol.

**Under this regulation, provisions laid down by law, regulation or administrative action or administrative practices of a member state shall not apply... where, though applicable irrespective of nationality, their exclusive or principal aim or effect is to keep nationals of other member states away from the employment offered.**

**This provision shall not apply to conditions relating to linguistic knowledge required be reason of the nature of the post to be filled.** Erthygl 3, Rheoliad rhif 16/2/68

Gan fod Erthygl 3 mewn Rheoliad mae'n rhan o gyfraith y Deyrnas Unedig. Nid yw Cyfraith Ewrop felly yn rhwystro'r gwladwriaethau sy'n aelodau ohoni na chyrrff cyhoeddus yn y gwladwriaethau hynny rhag gosod amod ynglŷn â gallu ieithyddol pan fydd angen hynny oherwydd natur y swydd i'w llenwi.

conditions when recruiting, though neither excludes the need to show that these are justifiable under the Race Relations Act 1976 (as amended).

## 6.2. European Law

European Law prohibits member-states from preventing workers from other European countries from finding work in their country. Regulation no. 16/2/68, regarding the freedom of movement of workers within the Community in accordance with the Treaty of Rome, however makes a specific linguistic exception. Article 3 states that requiring special linguistic knowledge may be justified if that is reasonable.

**Under this regulation, provisions laid down by law, regulation or administrative action or administrative practices of a member state shall not apply... where, though applicable irrespective of nationality, their exclusive or principal aim or effect is to keep nationals of other member states away from the employment offered.**

**This provision shall not apply to conditions relating to linguistic knowledge required by reason of the nature of the post to be filled.** Article 3, Regulation no. 16/2/68

As Article 3 is part of a Regulation it is also part of UK law. European law therefore does not prevent member-states nor public bodies within those member-states from setting conditions regarding linguistic ability when that is required due to the nature of the vacancy.

## 6.3 Deddf Cysylltiadau Hiliol 1976 a'r iaith Gymraeg

Mae'n debyg mai'r Ddeddf Cysylltiadau Hiliol 1976 fel y'i diwygiwyd gan y gwelliannau yn 2000 a 2003 sy'n gosod y cyfyngiad mwyaf ar y modd yr ymdrinnir â sgiliau iaith wrth gyflogi.

Fe allai gweithredu amhriodol o ran gosod amod y dylai person allu siarad Cymraeg fel amod cyflogi dramgwyddo'r Ddeddf drwy fod yn weithred o wahaniaethu anuniongyrchol. Yn gyffredinol mae'n anghyfreithlon gwahaniaethu yn erbyn person neu bersonau ar sail hil. Mae hyn yn cynnwys lliw, hil, neu darddiad ethnig neu genedlaethol. Er enghraifft gall fod yn groes i'r Ddeddf Cysylltiadau Hiliol 1976 (fel y'i diwygiwyd) i roi mantais i bobl o gefndir Cymreig dros bobl o gefndiroedd cenedlaethol neu ethnig eraill yn y broses recriwtio neu yn ystod cyflogaeth.

Fodd bynnag, mae'r ddeddf yn cynnwys eithriad allweddol; os oes gofynion dilys yn berthnasol i'r swydd y gellir eu cyfiawnhau yn wrthrychol dros hysbysebu swydd gyda gofynion ieithyddol yna nid yw hynny'n gwahaniaethu'n hiliol yn anghyfreithlon. Felly nid yw cynnwys amodau ieithyddol mewn hysbyseb swydd (boed yn hanfodol a'i pheidio) yn camwahaniaethu'n anghyfreithlon os oes cyfiawnhad dros wneud hynny. Mae angen ystyried prawf cyfreithiol er mwyn pennu os oes cyfiawnhad a'i pheidio yn yr amgylchiadau hyn. Trafodir hyn ymhellach isod.

Yn 1996 pan gyhoeddwyd y canllawiau statudol ar baratoi cynlluniau iaith Gymraeg, cyhoeddwyd hefyd gytgord rhwng Bwrdd yr Iaith Gymraeg a'r

## 6.3 Race Relations Act 1976 and the Welsh language

The greatest constraint on the way in which language skills are addressed in employment is probably that which is set out in the Race Relations Act 1976 as amended in 2000 and 2003.

Inappropriate action with regard to applying a requirement that a person should be able to speak Welsh as a condition of employment could contravene the Act by being an act of indirect discrimination. Generally, it is unlawful to discriminate against a person or persons on racial grounds. Racial grounds includes: colour, race, or ethnic or national origins. So for example, it may be a contravention of the Race Relations Act 1976 (as amended) to provide people from a Welsh background with an advantage over people from other nationalities or ethnic backgrounds in a recruitment process or during employment.

However, the act contains a key exception; if there are valid reasons linked to the job which can be objectively justified for advertising a vacancy with linguistic requirements then that does not constitute unlawful racial discrimination. Therefore, applying a Welsh-language requirement in a job advert (essential or otherwise) is not unlawful discrimination, if doing so is justifiable. There is a legal test that needs to be considered when determining if something is or is not "justifiable" in these circumstances. This is covered further below.

In 1996 when the statutory guidance on preparing Welsh language schemes was published, a concordat between the Welsh

Comisiwn Cydraddoldeb Hiliol (Atodiad 5). Byrdwn y cytgordd hwnnw, a lofnodwyd gan yr Arglwydd, bellach, Herman Ousley a'r Arglwydd Ellis-Thomas, oedd fod materion iaith Gymraeg a chydraddoldeb hil yn rhan o'r un agenda wrth wahaniaethol. Cydnabyddir yma bod y ddau sefydliad yn anelu at hyrwyddo cydraddoldeb.

Yn achos Tribiwnlys Boylan v Cyngor Sir Ynys Môn<sup>5</sup> dan y Deddf Cysylltiadau Hiliol 1976 ym mis Mai 1998, penderfynwyd fod Ynys Môn yn iawn i ddynodi swydd gweithiwr ieuenctid cymunedol yn swydd 'Cymraeg hanfodol' ac yn iawn i beidio â rhoi swyddog di Gymraeg ar y rhestr fer am y swydd na'i benodi.

**“We can see nothing objectionable – nothing which cannot be justified – in the Council’s practice. If Welsh is an essential requirement, then it is sensible to use that as a criterion when formulating a short-list”**  
**“The unanimous decision of the tribunal is that the complaint under the Race Relations Act 1976 fails”.**

Mae'r Bwrdd yn derbyn bod hysbysebu swydd gyda'r Gymraeg yn hanfodol neu'n ddymunol yn gallu gwahaniaethu yn erbyn aelodau o grwpiau hiliol sydd â chanran llai na'r arfer o siaradwyr Cymraeg. Fodd bynnag, mae'n bosib y gellir cyfiawnhau hyn oherwydd angen cyrff cyhoeddus i recriwtio siaradwyr Cymraeg er mwyn cyflawni eu hymrwymadau statudol o dan eu cynlluniau iaith Gymraeg, cyn belled bod yr angen i siarad Cymraeg yn "hanfodol" neu'n "ddymunol" i'r rôl.

<sup>5</sup> Boylan v Cyngor Sir Ynys Môn: Tribiwnlys Diwydiannol: achos rhif 2900883/97

Language Board and the Commission for Racial Equality was also published (Appendix 5) and signed by the now Lord Herman Ousley and Lord Ellis-Thomas. The core message of this concordat was that Welsh language issues and racial equality were part of the same anti-discrimination agenda recognising that both bodies are aiming to promote equality.

In the Tribunal case of Boylan v. Anglesey County Council<sup>5</sup> under the Race Relations Act 1976 in May 1998, it was decided that Anglesey were correct to advertise a vacancy for a community youth worker as a 'Welsh essential' post and were correct not to place a non-Welsh speaker on the shortlist nor appoint that individual.

**“We can see nothing objectionable – nothing which cannot be justified – in the Council’s practice. If Welsh is an essential requirement, then it is sensible to use that as a criterion when formulating a short-list”**  
**“The unanimous decision of the tribunal is that the complaint under the Race Relations Act 1976 fails”.**

The Board accepts that advertising a vacancy which states that Welsh is essential or desirable may discriminate against racial groups which have a lower than average percentage of Welsh speakers. However, this may be justified due to the public bodies' need to recruit Welsh speakers in order to meet their statutory commitments under their Welsh Language Schemes, provided the need to speak Welsh is "essential" or "desirable" to the role.

<sup>5</sup> Boylan v Anglesey County Council: Industrial Tribunal: case no. 2900883/97

#### 6.4 Gosod amod iaith heb gamwahaniaethu ar sail hil

Mae adran 1 o'r Ddeddf Cysylltiadau Hiliol 1976 (fel y'i diwygiwyd) yn gwahardd gwahaniaethu ar sail hil yn gyffredinol. Yna mae adran 4 (1) o'r Ddeddf Cysylltiadau Hiliol 1976 fel y'i diwygiwyd yn 2003 yn ei gwneud yn anghyfreithiol i wahaniaethu mewn cyflogaeth yn erbyn ymgeiswyr ar sail hil ac Adran 4(2) yn gwahardd gwahaniaethu ar sail hil yn erbyn pobl sydd eisoes yn gyflogedig.

Diffinnir gwahaniaethu ar sail hil mewn dwy ffordd:

- (i) gwahaniaethu uniongyrchol – mae person yn euog o wahaniaethu uniongyrchol os ydynt, ar sail hil, yn trin person mewn modd llai ffafriol nag y byddant yn trin eraill.
- (ii) gwahaniaethu anuniongyrchol – gall ddigwydd pan mae triniaeth cyflogwr o'i holl weithwyr yr un fath beth bynnag fo'i hil ond ble mae gwahaniaeth yn yr effaith y gall triniaeth ei gael ar grŵp arbennig o bobl sydd wedi ei amddiffyn.

Yn gyffredinol mae gwahaniaethu anuniongyrchol yn cynnwys sefyllfaoedd lle, ar yr wyneb, mae'r unigolion i gyd wedi cael eu trin yn yr un modd waeth beth fo'u hil, ond wrth edrych yn fwy gofalus sylwir bod aelodau o grŵp neu grwpiau hil penodol yn fwy tebygol o fod o dan anfantais nad eraill. Yn wahanol i wahaniaeth uniongyrchol, na ellir gael ei gyfiawnhau (hynny yw nid oes amddiffyniad), gall bod gan gyflogwr sy'n dangos bod ei weithredoedd wedi eu cyfiawnhau'n wrthrychol amddiffyniad i honiad o wahaniaethu anuniongyrchol. Gall cyflogwr osgoi atebolrwydd dros wahaniaethu anuniongyrchol drwy ddangos bod ei

#### 6.4 Setting a language requirement without discriminating on grounds of race

Section 1 of the Race Relations Act 1976 (as amended) prohibits discrimination on racial grounds generally. Subsequently section 4 (1) of the Race Relations Act 1976 as amended in 2003 prohibits discrimination in employment against candidates on racial grounds and Section 4(2) prohibits racial discrimination against people who are already employed.

Racial discrimination is defined in two ways:

- (i) direct discrimination – a person is guilty of direct discrimination if on racial grounds they treat a person less favourably than they treat or would treat others.
- (ii) indirect discrimination – can occur where an employer's treatment of all employees is the same irrespective of race, but where there is a disparity in the effect of such treatment on a particular protected group.

Generally, indirect discrimination covers situations where, seemingly, all individuals are treated alike regardless of race, but on closer examination it can be seen that members of a particular racial group or groups are more likely to suffer a disadvantage than others. Unlike direct discrimination, which cannot be justified (ie there is no defence), an employer who shows their actions were objectively justified may have a defence to a claim of indirect discrimination. An employer can avoid liability for indirect discrimination by showing that their actions were objectively justified as a

weithredoedd wedi eu cyfiawnhau'n wrthrychol fel dull cymesur o gyflawni nod cyfreithiol.

Esbonnir gwahaniaethu anuniongyrchol yn y Ddeddf Cysylltiadau Hiliol gwreiddiol yn 1976 fel hyn:

1. (1) A person discriminates against another... if:
  - (b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but –
    - (i) which is such that [there is a considerably smaller proportion of that person's racial group able to comply with that condition]; and
    - (ii) which he cannot show to be justifiable...; and
    - (iii) which is to the detriment of that [person discriminated against] because he cannot comply with it.

Yn 2003 ychwanegwyd prawf newydd er mwyn sicrhau cydymffurfiaeth gyda Cyfarwyddeb Hil CE sef:

1. (1A) A person also discriminates against another if, ... he applies to that other a provisions, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but –
  - (a) which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons,
  - (b) which puts [or would put] that other at that disadvantage, and
  - (c) which he cannot show to be a proportionate means of achieving a legitimate aim.

proportionate means of achieving a legitimate aim.

Indirect discrimination is explained in the original Race Relations Act of 1976 as follows:

1. (1) A person discriminates against another... if:
  - (b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but –
    - (i) which is such that [there is a considerably smaller proportion of that person's racial group able to comply with that condition]; and
    - (ii) which he cannot show to be justifiable...; and
    - (iii) which is to the detriment of that [person discriminated against] because he cannot comply with it.

In 2003 a new test was added to ensure compliance with the EC Race Directive:

1. (1A) A person also discriminates against another if, ... he applies to that other a provisions, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but –
  - (a) which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons,
  - (b) which puts [or would put] that other at that disadvantage, and
  - (c) which he cannot show to be a proportionate means of achieving a legitimate aim.

Canlyniad hyn yw bod dau ddull o ddelio â gwahaniaethu anuniongyrchol. Gall hyn achosi dryswch i gyflogwyr sy'n delio â materion gwahaniaethu anuniongyrchol. Mae'n faes dyrys y tu hwnt i gwmpas y ddogfen hon a dylid sicrhau cyngor cyfreithiol arbenigol os oes angen.

Y ffactor hollbwysig ar gyfer diben yr arweiniad hwn yw a yw gosod amod yn gallu cael ei gyfiawnhau'n wrthrychol fel a ddisgrifiwyd.

Yn achos gosod gofynion sgiliau iaith Gymraeg ar swyddi yna mae sawl pwynt i'w ystyried yn sgil ddau brawf yma.

#### 6.4.1

Mae dynodi sgiliau Cymraeg yn hanfodol – boed hynny yn bolisi cyffredinol y cyflogwr i bob aelod o'i staff, neu i ganran ohonynt neu i swyddi unigol – yn gosod **'requirement or condition'** dan y prawf gwreiddiol a **'provision, criterion or practice'** dan y prawf newydd.

#### 6.4.2

Dan y prawf gwreiddiol, nid yw dynodi sgiliau Cymraeg yn ddymunol yn gosod **'requirement or condition'**, oherwydd mai dim ond un o nifer o rinweddau i'w hystyried wrth benodi i'r swydd yw'r sgil hon, ac mae'r swydd yn agored i ymgeiswyr heb y sgil honno. Sefydlwyd hyn yn glir gan achosion Llys Apêl Perera<sup>6</sup> a Meer<sup>7</sup>.

<sup>6</sup> Perera v Comisiwn y Gwasanaeth Sifil a'r Adran Dollau [1983] IRLR 166, CA

<sup>7</sup> Meer v London Borough of Tower Hamlets [1988] IRLR 399, CA

This has resulted in a twin track approach to indirect discrimination. This may cause confusion for employers in dealing with issues of indirect discrimination. It is a complex area beyond the scope of this guidance, where specialist legal advice should be sought.

For the purpose of this guidance, the crucial factor is whether applying the condition is objectively justifiable as described.

In the case of setting Welsh language skill requirements for posts there are many points to consider in light of these two tests.

#### 6.4.1

Identifying Welsh skills as "essential" – whether this is the employer's general policy for all members of staff, for a percentage of them, or for individual posts – applies a **'requirement or condition'** under the original test and a **'provision, criterion or practice'** under the new test.

#### 6.4.2

Under the original test, identifying Welsh skills as desirable does not apply a **'requirement or condition'**, as this skill is only one of a number of qualities to consider in appointing an individual to this post, and the post is open to candidates without that skill. This was clearly established by the Appeal Court cases of Perera<sup>6</sup> and Meer<sup>7</sup>.

<sup>6</sup> Perera v Civil Service Commission and the Department of Customs [1983] IRLR 166, CA

<sup>7</sup> Meer v London Borough of Tower Hamlets [1988] IRLR 399, CA



Erbyn hyn, fodd bynnag, mae'n debygol y bydd 'Cymraeg yn ddymunol' yn cyfrif fel **'provision, criterion or practice'** dan y prawf newydd. Nid oes angen i ymgeisydd brofi ei fod yn methu â chydymffurfio â gofyniad, mae bellach yn ddigonol bod bodolaeth y **'provision, criterion or practice'** yn rhoi'r ymgeisydd o dan anfantais. Felly ers 2003, gall y ddau gategori – hanfodol a dymunol (a 'manteisiol') – gael eu hystyried fel camwahaniaethu os nad oes cyfiawnhad.

#### 6.4.3

Mae angen i'r prosesau a'r dulliau a ddefnyddir i bennu sgiliau iaith ac i benodi staff i'r swyddi hynny fod yn deg, tryloyw a swyddogol, gan ddilyn yr arferion cydnabyddedig gorau ym maes cyflogaeth.

#### 6.4.4

Mae'r sefyllfa o ran rhoi mantais i Gymry sy'n siarad Cymraeg tros bobl o gefndir hiliol gwahanol yr un peth i bob pwrpas dan y prawf newydd. Mae pawb nad ydynt yn perthyn i grŵp hiliol y Cymry yn perthyn i grŵp hiliol gwahanol naill ai drwy ethnigrwydd neu drwy darddiad cenedlaethol. Yn ogystal â thebygrwydd llawer llai y gallant siarad Cymraeg maent dan anfantais benodol (y prawf newydd) oherwydd hynny.

#### 6.4.5

Mae'r sefyllfa yn wahanol fodd bynnag pan ystyrir y berthynas rhwng Cymry Cymraeg a Chymry di-Gymraeg. Yn unol â'r dyfarniad yn achos Gwynedd v Jones

Now, however, it is likely that 'Welsh is desirable' will count as a **'provision, criterion or practice'** under the new test. A candidate does not need to prove that they cannot comply with a requirement, it is now sufficient for the existence of a **'provision, criterion or practice'** to place the candidate under a disadvantage. Therefore, since 2003, the two categories – essential and desirable (and 'advantageous') – have been considered as discrimination if there is no justification.

#### 6.4.3

The processes and methods used to determine language skills and appoint staff to those posts need to be fair, transparent and official, following accepted best practice in employment.

#### 6.4.4

To all intents and purposes, the situation regarding giving Welsh speakers an advantage over people from different racial backgrounds remains the same under the new test. All those not belonging to the Welsh racial group belong to a different racial group either through ethnicity or nationality. They are less likely to be able to speak Welsh and are under a specific disadvantage (the new test) as a result.

#### 6.4.5

The situation is different however, when considering the relationship between Welsh people who speak Welsh and those who do not speak Welsh.

a Doyle<sup>8</sup>, maent yn perthyn i'r un grŵp hiliol ac nid yw gwahaniaeth ieithyddol yn ddigon ynddo'i hunan i greu grŵp ethnig gwahanol. Ni all mynnu sgiliau Cymraeg, felly, olygu gwahaniaethu ar sail hil yn erbyn Cymry di-Gymraeg oherwydd nid ydynt yn perthyn i grŵp hiliol gwahanol i'w cyd-Gymry sy'n siaradwyr Cymraeg. Ni allant ddwyn achos felly dan Ddeddf 1976. Fodd bynnag, byddant yn parhau i wynebu'r un anfantais wrth geisio am swydd â phobl o gefndir hiliol gwahanol sydd heb sgiliau Cymraeg.

#### 6.4.6

Mae unrhyw gam a gymerir i lenwi swyddi â phersonau sy'n meddu ar sgiliau Cymraeg (boed hanfodol neu beidio) yn awr yn agored i'w gyfrif fel gwahaniaethu anuniongyrchol ar sail hil, heblaw bod modd dangos fod cyfiawnhad drosto – 'justifiable' a'i fod yn ffordd gymesur o gyrraedd nod dilys – "a proportionate means of achieving a legitimate aim".

#### 6.4.7

Os nad yw polisi neu gam gweithredol yn 'ffordd gymesur o gyrraedd nod dilys', yna go brin y gellir ei 'gyfiawnhau'. Mae achos Crizzle i fesur 'justifiable' y geiriad gwreiddiol yn gosod cynsail a chynnig arweiniad, sef:

- "What is the context within which the employer's objective is based?
- Is the objective legitimate and reasonable in that context?
- Are the means used to achieve the objective reasonable (that is to say, is the imposition of the condition reasonable)?

In accordance with the ruling in the case of Gwynedd v Jones and Doyle<sup>8</sup>, they belong to the same racial group and a linguistic difference in itself is not enough to create a different ethnic group. Demanding Welsh language skills, therefore, cannot constitute racial discrimination against non-Welsh speaking Welsh people as they do not belong to a different racial group to their fellow countrymen and women who do speak Welsh. Therefore they cannot bring a case under the 1976 Act. However, they will continue to face the same disadvantage when applying for posts as people from different racial backgrounds who do not possess Welsh language skills.

#### 6.4.6

Any steps taken to fill vacancies with people who possess Welsh skills (essential or otherwise) can now be considered to be indirect discrimination on the basis of race, unless this is justifiable and can be shown to be "a proportionate means of achieving a legitimate aim".

#### 6.4.7

If a policy or action does not constitute a proportionate means of achieving a legitimate aim then it is unlikely to be 'justifiable'. The case of Crizzle sets a precedent and offers guidance on what may be "justifiable":

- "What is the context within which the employer's objective is based?
- Is the objective legitimate and reasonable in that context?
- Are the means used to achieve the objective reasonable (that is to say, is the imposition of the condition reasonable)?

<sup>8</sup> Gwynedd v Jones and Doyle EAT (1986)

<sup>8</sup> Gwynedd v Jones and Doyle EAT (1986)



- Is any discriminatory effect outweighed by the reasonable needs of the employer?”

Er mai meini prawf at ddiben dehongli'r prawf gwreiddiol yw'r rhai yn achos Crizzle<sup>9</sup>, mae'n ymddangos eu bod yr un mor ddilys fel sail i'r prawf newydd.

#### 6.4.8

Pan ddefnyddir y meini prawf uchod at ddiben cloriannu maes sgiliau iaith gellir rhesymu fel a ganlyn, er ei bod yn bwysig cofio y bydd pob achos yn dibynnu ar y ffeithiau ar y pryd:

- (i) Y cyd-destun yw dwyieithrwydd Cymru a niferoedd a dosbarthiad y siaradwyr Cymraeg yn nalgylch y corff dan sylw ynghyd â'r gofyniad statudol arno drwy ei gynllun iaith i drin y ddwy iaith yn gyfartal ac i barchu'r egwyddor honno wrth ddarparu ei wasanaethau yn Gymraeg ac yn Saesneg.
- (ii) Yr amcan neu'r nod yw sicrhau digon o staff gyda'r sgiliau iaith priodol yn y swyddi cywir i alluogi'r corff i gyflawni ymrwymadau ei gynllun iaith yn foddhaol ac effeithlon. Mae hyn yn ddilys a rhesymol.
- (iii) Y cam nesaf yw ystyried a yw'r dull o gyrraedd y nod yn un rhesymol ac yn un cymesur. Bydd cloriannu hyn yn amrywio yn ôl yr amgylchiadau. Er enghraifft, lle gosodir targed o sicrhau canran benodol o siaradwyr Cymraeg yn y gweithlu, bydd priodoldeb y targed hwnnw a'r amserlen ar gyfer ei gyrraedd yn debyg o fod yn ystyriaeth.

<sup>9</sup> St Mathias Church of England School V Crizzle, [1993] IRLR 472

- Is any discriminatory effect outweighed by the reasonable needs of the employer?”

Although the criteria in the case of Crizzle<sup>9</sup> are intended to interpret the original test, it appears that they are just as legitimate as a basis for the new test.

#### 6.4.8

When the above criteria are used to evaluate language skills the following reasoning may be applied, although it is important to remember each case will turn on its own facts:

- (i) The context is the bilingual nature of Wales and the numbers and distribution of Welsh speakers in the catchment area of the body in question along with the statutory requirement through its language scheme to treat both languages on the basis of equality and to respect that principle when providing services through the medium of English and Welsh.
- (ii) The objective or aim is to ensure that there are enough staff with the appropriate language skills in the correct posts to enable the body to achieve the commitments identified in its language scheme in a satisfactory and efficient manner. This is legitimate and reasonable.
- (iii) The next step is to consider if the means of achieving the aim is reasonable and proportionate. Evaluating this will vary according to the circumstances. For example, where a target is set to ensure that there is a specific percentage of Welsh speakers in the workforce, the appropriateness of that target and the timescale for achieving that target are likely

<sup>9</sup> St Mathias Church of England School V Crizzle, [1993] IRLR 472

Os mai swydd unigol sydd dan sylw, mae'n debygol y bydd perthnasedd sgiliau Cymraeg i dasgau arferol y swydd honno, neu lefel hyfedredd y sgiliau hynny, neu broffil iaith aelodau eraill y tîm, neu'r cyfan o'r rhain, yn ystyriaeth berthnasol wrth benderfynu a yw'r dull o gyrraedd y nod yn briodol yn yr amgylchiadau.

(iv) Yn olaf, a yw anghenion rhesymol y cyflogwr yn fwy nag unrhyw effaith wahaniaethol? Yn hyn, os yw'r cyflogwr yn gallu dangos:

- bod y gofynion ieithyddol yn angenrheidiol ac yn addas ar gyfer cyflawni ymrwymadau'r corff yn ei gynllun iaith;
- y byddai peidio â chymryd y camau hyn yn torri'r cynllun, ac yn rhoi sail i gŵyn neu feirniadaeth gyhoeddus, neu'n creu risg o gerydd neu ymchwiliad gan y Bwrdd neu Lywodraeth Cynulliad Cymru;
- nad oes dull rhesymol a derbyniol arall ar gael o gyflawni'r gofyniad hwn (e.e. byddai ystyried ail drefnu'r tîm fel bod staff dwyieithog yn delio â defnyddwyr Cymraeg yn gam priodol i'w gymryd pe byddai modd gwneud hynny heb greu gofynion neu broblemau afresymol i'r sefydliad fel arall, ond ni fyddai defnyddio cyfieithydd yn ffordd briodol o gynnig gwasanaeth wyneb yn wyneb oherwydd byddai'n torri'r cynllun, yn cynnig gwasanaeth israddol;
- bod y cyflogwr wedi ystyried ffyrdd o leihau'r effaith

to be considerations. If an individual post is in question, it is likely that the relevance of Welsh language skills to the routine tasks associated with that post, or the level of proficiency of those skills, or the language profile of other members of the team or all of these, will be relevant considerations in deciding if the means of achieving the aim is appropriate under the circumstances.

(iv) Lastly, do the employer's reasonable needs outweigh any discriminatory effect? The employer will need to show the following:

- that the linguistic requirements are necessary and suitable in terms of achieving the body's commitments in its language scheme;
- that not taking these steps would contravene the scheme, and provide a basis for complaint or public criticism, or create the risk of censure or an investigation by the Board or the Welsh Assembly Government;
- that there is no other reasonable and acceptable means of meeting this requirement (e.g. considering restructuring the team so that bilingual staff deal with Welsh-speaking users would be an appropriate step to take if that could be done without creating unreasonable requirements or problems for the organisation, but using a translator would not be an appropriate way of providing a face-to-face service as that would contravene the scheme, providing an inferior service);
- that the employer has considered ways of reducing the discriminatory effect which



wahaniaethol y mae'r gofyniad iaith yn ei hachosi (e.e. cynnig hyfforddiant iaith i'w staff yn gyffredinol neu roi cyfnod rhesymol a phob cefnogaeth i berson di-Gymraeg ddysgu'r iaith er mwyn cyflawni amod cyflogaeth); yna gellir bod yn ffyddiog y derbynir hynny fel gweithredu rhesymol y gellir ei gyfiawnhau.

Wrth ystyried 'legitimate aim' o fewn y cyd-destun ieithyddol yng Nghymru gellir ystyried nifer o ffactorau eraill lleol a chenedlaethol yn ogystal â chynllun iaith y sefydliad a chanran y boblogaeth a wasanaethir sy'n siarad Cymraeg er enghraifft:

- Strategaeth Iaith Llywodraeth Cynulliad Cymru (Iaith Pawb)
- Cymal 78 Deddf Llywodraeth Cynulliad Cymru
- Strategaeth Sgiliau Ieithyddol
- Strategaeth Gymunedol
- Strategaeth Iechyd, Gofal Cymdeithasol a Lles
- Strategaeth Addysg

Y pwynt allweddol yn hyn o beth yw fod y nod ei hunan a'r dull o'i gyrraedd ill dau yn cyfrannu at fodloni'r prawf. Bydd gwrthrychedd – wedi ei atgyfnerthu gan fethodoleg asesu addas – a chadw at arferion gorau cyflogaeth yn bwysig iawn rhag tanseilio camau sydd fel arall yn gymesur.

the language requirement is causing (e.g. offering language training to staff in general or giving non-Welsh speakers a reasonable period of time and full support to learn the language in order to meet the condition of employment); thus having confidence that this will be accepted as reasonable action which may be justified.

When considering the legitimate aim within the linguistic context in Wales many other local and national factors can be considered in addition to the organisation's language scheme and the Welsh-speaking population served for example:

- Welsh Assembly Government's Language Strategy (Iaith Pawb)
- Clause 78 of the Government of Wales Act
- Language Skills Strategy
- Community Strategy
- Health, Social Care and Well-being Strategy
- Education Strategy

The key point in this regard is that the aim itself and the means of achieving it contribute to satisfying the conditions of the test. Objectivity – reinforced by suitable assessment methodology – and following employment best practice is very important so that action which would otherwise be proportionate is not undermined.

#### 6.4.9

Mae'r un ystyriaethau yn codi yn sefyllfa staff di-Gymraeg sydd eisoes yn gyflogedig nad ydynt yn perthyn i grŵp hiliol y Cymry, oherwydd bod gofynion sgiliau Cymraeg yn gallu cyfyngu ar eu cyfleoedd (gweler Adran 4(2) Deddf 1976). Yr un rhesymu a chasgliadau a geid wrth ddefnyddio'r prawf.

Enghraifft

Dyfarniad Llys Barn Ewropeaidd yn cefnogi gosod amod iaith wrth swydd.

#### Achos Groener V Minister for Education and the City of Dublin

Ymgeisiodd Anita Groener, gwraig o'r Iseldiroedd, am swydd ddarlithio yng Ngholeg Marchnata a Dylunio Dilyn. Dywedwyd wrthi na fyddai'n cael ei phenodi i'r swydd heb basio prawf llafar yn y Wyddeleg. Yng Nghyfansoddiad Iwerddon ac yn arbennig yn Erthygl 8 nodi'r mai'r Wyddeleg yw iaith genedlaethol ac iaith swyddogol gyntaf Iwerddon. Pan fethodd y wraig y prawf gofynnodd i'r awdurdodau hepgor yr amod hon; gwrthodwyd ei chais. Fe aeth a'i hachos i Uchel Lys Iwerddon gan honni bod y polisi yn rhwystro gweithwyr rhag symud o fewn Ewrop sy'n groes i gyfraith Ewrop yn arbennig felly Erthygl 3 (1) Rheoliad 1612/68. Mae'r Erthygl yma'n nodi na ddylai amodau ieithyddol gyfyngu ar ryddid gweithwyr i geisio am swydd os nad yw natur y swydd sydd i'w llenwi yn cyfiawnhau'r amodau. Dadleuodd Groener nad oedd siarad Gwyddeleg yn angenrheidiol i wneud y swydd darlithio yr oedd

#### 6.4.9

The same considerations apply in the case of non-Welsh speaking members of staff who are already employed and do not belong to the Welsh racial group, as Welsh language skill requirements can limit their opportunities (see Section 4(2) Act 1976). The same reasoning and conclusions apply when using the test.

Example

European Court of Law Ruling supporting the placing of a language condition on a post.

#### The case of Groener V Minister for Education and the City of Dublin

Anita Groener, from the Netherlands, applied for a lecturing post at the Dublin College of Marketing and Design. She was told that she would not be appointed unless she passed an oral test in the Gaelic language. In the Constitution of Ireland, in particular Article 8, Gaelic is identified as Ireland's national language and first official language. When Groener failed to pass the test, she asked the authorities to waive this condition; her request was denied. She took her case to the High Court of Ireland claiming that the policy stopped workers from moving within Europe which contravenes European law especially Article 3 (1) Regulation 1612/68. This Article states that linguistic conditions should not restrict workers' freedom to apply for a post if the nature of the post in question does not justify the conditions. Groener argued that speaking Gaelic was not necessary to undertake the lecturing post for which she was applying. The





yn ymgeisio amdani. Dyfarniad Llys Barn Ewropeaidd oedd fod safbwynt y Llywodraeth yn ddilys.

**20 The importance of education for the implementation of such a policy [hyrwyddo'r Wyddeleg] must be recognized. Teachers have an essential role to play, not only through the teaching which they provide but also by their participation in the daily life of the school and the privileged relationship which they have with their pupils. In those circumstances, it is not unreasonable to require them to have some knowledge of the first national language.** Anita Groener V Minister for Education and the City of Dublin Vocational Educational Committee.

European Court of Law judged that the Government's standpoint was legitimate.

**20 The importance of education for the implementation of such a policy [promote the Gaelic language] must be recognized. Teachers have an essential role to play, not only through the teaching which they provide but also by their participation in the daily life of the school and the privileged relationship which they have with their pupils. In those circumstances, it is not unreasonable to require them to have some knowledge of the first national language.** Anita Groener V Minister for Education and the City of Dublin Vocational Educational Committee.

digonol. Os rhoddir amod dysgu Cymraeg yna bydd angen i'r sefydliad wneud trefniadau dros dro i ddarparu'r agweddau hynny o swydd yr unigolyn lle bod angen gallu siarad Cymraeg a rhaid iddynt hefyd ystyried rhoi cefnogaeth ac arweiniad priodol i'r cyflogai yn ystod y cyfnod dysgu.

At bwrpas gwahaniaethu ar sail hil, pe gellid dangos yn wrthrychol bod lefel benodol o sgil yn yr iaith Gymraeg yn hanfodol ar gyfer y swydd a bod yr unigolyn wedi cael cyfle rhesymol i feithrin y sgil hwnnw ac nad oes unrhyw swydd arall addas (nad yw'n galw am y sgil hwnnw) ar gael i'r unigolyn ei chyflawni, yna – fel cam olaf gellid bod yn ffyddiog na fyddai diswyddo'r unigolyn yn tramgwyddo. Fodd bynnag, byddai'n rhaid ystyried pob achos yn unigol wrth gwrs a dylid sicrhau cyngor addas cyn cymryd unrhyw gamau.

approach to ensuring sufficient bilingual skills. If a condition to learn Welsh is set, then the organisation must make interim arrangements to provide those aspects of the individual's post where the ability to speak Welsh is essential and must consider appropriate support and guidance to the employee during the learning period.

In terms of racial discrimination, if it could be objectively shown that a certain level of skill in the Welsh language was essential for the post and that the individual had been given reasonable opportunity to develop that skill and that no other suitable post (that does not call for that skill) was available for that individual to undertake, then – as a last resort an employer could be confident that dismissing the individual would not be a contravention. However, every case would need to be considered on an individual basis and appropriate advice should be obtained before any steps are taken.

### 6.5 Amod dysgu iaith wrth gyflogi

Byddai disgyblu neu ddiswyddo rhywun di-Gymraeg nad yw'n perthyn i grŵp hil y Cymry, am fethu â chadw at amod dysgu Cymraeg ar ôl cyfnod penodedig hefyd yn taro Adran 4(2) ac a allai fod yn wrth wahaniaethol. (Gallai Adran 98, Deddf Hawliau Cyflogaeth 1996 hefyd fod yn berthnasol i ddiswyddiad o'r fath, ond nid am resymau hiliol.)

Mae dysgu iaith yn ymrwymiad dwys a thymor hir, yn haws i rai nag i eraill, ac mae canran sylweddol o ddysgwyr (am y rhesymau hynny ac am resymau eraill) yn annhebyg o lwyddo i raddau digonol. Mae angen i gyflogwr, felly, feddwl yn ofalus iawn cyn dilyn y trywydd hwn wrth benodi, gan droedio'n gyfrifol a theg. Yn sicr byddai'n annoeth gweld hyn fel ffordd reolaidd o sicrhau sgiliau dwyieithog

### 6.5 Learning a language as a condition of employment

Disciplining or dismissing a non-Welsh speaker who does not belong to the Welsh racial group for failing to meet the condition to learn Welsh after a designated period of time would also be subject to Section 4(2) and potentially discriminatory. (Section 98, Employment Rights Act 1996 could also be relevant to such a dismissal, but not for race-related reasons.)

Learning a language is an intensive and long-term commitment, which is easier for some than others, and a significant percentage of learners (for those reasons and others) are unlikely to succeed to a sufficient degree. Therefore, employers need to consider this very carefully before appointing individuals, taking responsible and fair measures. It would certainly be unwise to consider this a routine

### 6.6 Cod Ymarfer Statudol ar Gydraddoldeb Hiliol mewn Cyflogaeth

Mae'r Cod Ymarfer Statudol ar Gydraddoldeb Hiliol o fewn y gweithle a gyhoeddodd y CRE yn 2005 yn gymorth i gyflogwyr i weithredu o fewn deddfwriaeth hil wrth hysbysebu, recriwtio ac ymdrin â'u staff. Nodir yn y Cod bod angen i gyflogwyr lunio swydd ddisgrifiad ar gyfer pob swydd wag maent am eu llenwi. Tra'n llunio manyleb person mae'n egluro'r angen i osod gofynion ieithyddol lle mae hynny'n angenrheidiol i'r swydd.

**"A language requirement for a job may be indirectly discriminatory and unlawful unless it is necessary for the satisfactory performance of the job".** 4.51 Cod Ymarfer

### 6.6 Statutory Code of Practice on Racial Equality in Employment

The Statutory Code of Practice on Racial Equality in the Workplace published by the CRE in 2005 helps employers to operate within racial legislation when advertising, recruiting and dealing with staff. The Code states that employers need to draw up job descriptions for each vacancy they wish to fill. In terms of person specifications it explains the need to set linguistic requirements where that is necessary for the job.

**"A language requirement for a job may be indirectly discriminatory and unlawful unless it is necessary for the satisfactory performance of the job".** 4.51 Statutory

Statudol ar Gydraddoldeb Hiliol ym Myd Cyflogaeth, Comisiwn Cydraddoldeb Hiliol, 2005.

Mae'r Cod Ymarfer yn derbyn bod nifer o sefydliadau cyhoeddus, preifat a gwirfoddol yng Nghymru yn gweithredu trwy gyfrwng y Gymraeg neu yn ddwyieithog yn y Gymraeg a'r Saesneg. Nodir yn y Cod y dylai cyflogwyr yng Nghymru geisio cyngor Bwrdd yr Iaith Gymraeg mewn perthynas â'r iaith Gymraeg yn y gweithle yn ogystal â dilyn cyngor Cod Ymarfer y CRE.

Ceir dealltwriaeth yn y Cod Ymarfer ei bod yn angenrheidiol i gyrff cyhoeddus yng Nghymru a chyrrff cyhoeddus sy'n darparu gwasanaethau i'r cyhoedd yng Nghymru gydymffurfio â Deddf yr Iaith Gymraeg a darparu gwasanaethau yn y Gymraeg yn ogystal â'r Saesneg.

**"This means a wide range of posts in public bodies in Wales, and some in public bodies outside Wales, will need workers who can speak, write and read Welsh sufficiently well for the post in question. In some cases, this may make Welsh language skills an essential requirement for appointment; in others it may require the applicant to agree to learn the language to the required level within a reasonable period of time after appointment".** 4.52 Cod Ymarfer Statudol ar Gydraddoldeb Hiliol ym Myd Cyflogaeth, Comisiwn Cydraddoldeb Hiliol, 2005

### 6.7 Y Gwasanaeth Cyngori, Cymodi a Chyflafareddu (ACAS)

Cyngor ACAS, y Gwasanaeth Cyngori, Cymodi a Chyflafareddu, yw y dylai swydd ddisgrifiadau a manylebau person fod

Code of Practice on Racial Equality in Employment, Commission for Racial Equality, 2005.

The Code of Practice accepts that a number of public, private and voluntary organisations in Wales operate through the medium of Welsh or bilingually in English and Welsh. The Code states that employers in Wales should seek advice from the Welsh Language Board in relation to the Welsh language in the workplace as well as following advice found in the CRE's Code of Practice.

The Code of Practice understands that public bodies in Wales and public bodies who provide services to the public in Wales are required to comply with the Welsh Language Act and provide services in Welsh as well as English.

**"This means a wide range of posts in public bodies in Wales, and some in public bodies outside Wales, will need workers who can speak, write and read Welsh sufficiently well for the post in question. In some cases, this may make Welsh language skills an essential requirement for appointment; in others it may require the applicant to agree to learn the language to the required level within a reasonable period of time after appointment".** 4.52 Statutory Code of Practice on Racial Equality in Employment, Commission for Racial Equality, 2005

### 6.7 Advisory, Conciliation and Arbitration Service (ACAS)

The advice given by ACAS is that job descriptions and person specifications should be as clear as possible in order

mor eglur a phosib er mwyn cynorthwyo sefydliadau i ddatblygu a gweithredu polisi cyfle cyfartal.

**Drawing up the person specification allows the organisation to profile the ideal person to fill the job. It is very important that the skills, aptitudes and knowledge included in the specification are related precisely to the needs of the job... The very process of writing a job and person specification should help the employer to develop and implement a policy of equal opportunity in the recruitment and selection of employees.** Llyfryn 'Recruitment and Induction', ACAS, 2007.

### 6.8 Deddf yr Iaith Gymraeg a rôl Bwrdd yr Iaith Gymraeg

Mae tri rhan i Ddeddf yr Iaith Gymraeg 1993 sef:

- (i) Sefydlu Bwrdd yr Iaith Gymraeg i hyrwyddo a hwyluso defnyddio'r iaith Gymraeg.
- (ii) Gosododd y Ddeddf ddyletswydd ar gyrff cyhoeddus i drin y Gymraeg a'r Saesneg yn gyfartal wrth iddynt weinyddu eu Busnes a darparu gwasanaethau i'r cyhoedd. Gwneir hyn ar sail cynnwys cynlluniau iaith a gytunir gan y Bwrdd.
- (iii) Mae'n rhoi'r hawl llwyr i siaradwyr Cymraeg i ddefnyddio'r iaith yn y llys.

O safbwynt yr arweiniad hwn yr ail bwynt yw'r pwysicaf sef y dyletswydd ar gyrff cyhoeddus i baratoi cynllun iaith. Mae lle'r Bwrdd yn ganolog yn y gwaith yma. O dan Adran 5 o'r Ddeddf mae'r Bwrdd yn hysbysu corff cyhoeddus i baratoi cynllun iaith. Yn y cynllun hwn bydd cyrff cyhoeddus yn amlinellu'r mesurau y bwriadant eu cymryd er mwyn gwella eu

to help organisations to develop and implement an equal opportunities policy.

**Drawing up the person specification allows the organisation to profile the ideal person to fill the job. It is very important that the skills, aptitudes and knowledge included in the specification are related precisely to the needs of the job... The very process of writing a job and person specification should help the employer to develop and implement a policy of equal opportunity in the recruitment and selection of employees.** Recruitment and Induction booklet, ACAS, 2007.

### 6.8 The Welsh Language Act and the Welsh Language Board's role

There are three parts to the Welsh Language Act 1993:

- (i) Establishing the Welsh Language Board to promote and facilitate the use of the Welsh language.
- (ii) The Act places a duty on public bodies to treat the English and Welsh languages on a basis of equality when conducting their business and providing services to the public. This is done based on the content of language schemes agreed by the Board.
- (iii) It gives Welsh speakers the right to use the language in court.

In terms of this guidance the second point is the most important regarding the duty placed on public bodies to prepare language schemes. The Board has a central role to play in this regard. Under Section 5 of the Act the Board advises public bodies to prepare a language scheme. In this scheme public bodies will outline the

darpariaeth Gymraeg.

Rhoddodd y Ddeddf gyfrifoldeb ar Fwrdd yr Iaith Gymraeg i gyhoeddi canllawiau ynghylch ffurf a chynnwys cynlluniau (Adran 9 o'r Ddeddf). O dan Adran 3 o'r Ddeddf rhoddir dyletswydd ar Fwrdd yr Iaith i gynghori cyrff cyhoeddus a sefydliadau'r Goron ar y ffyrdd y gallant weithredu'r egwyddor o gydraddoldeb wrth ddarparu gwasanaethau i'r cyhoedd yng Nghymru, ac i'w cynghori ynghylch defnyddio'r iaith Gymraeg wrth ymwneud â'r cyhoedd yng Nghymru. Wrth gyflawni ei rôl statudol mae'r Bwrdd yn gweithredu yng nghyd-destun yr hyn sy'n briodol o dan yr amgylchiadau ac yn rhesymol ymarferol.

Yn ychwanegol i rôl y Bwrdd yn y broses o baratoi a chymeradwyo cynlluniau iaith mae gan y Bwrdd rôl allweddol wrth fonitro gweithrediad y cynlluniau. Os yw'n ymddangos i'r Bwrdd yn sgil cwyn a wnaed o dan Adran 18 neu fel arall, y gall corff cyhoeddus fod wedi methu â chyflawni cynllun a gymeradwywyd gan y Bwrdd fe all y Bwrdd gynnal Ymchwiliad o dan Adran 17 o Ddeddf yr Iaith Gymraeg er mwyn gweld â fu methiant. Ar ôl cwblhau'r ymchwiliad mae'n rhaid i'r Bwrdd anfon copi o'r adroddiad i'r corff cyhoeddus o dan sylw ac i Weinidogion Llywodraeth y Cynulliad. Gall y Bwrdd wneud yr adroddiad yn fwy cyhoeddus os yw'n credu bod hynny'n briodol. Os yw'r Bwrdd yn credu bod y corff wedi methu â chyflawni ei gynllun, fe all gynnwys argymhellion i'r sefydliad dan sylw o fewn ei adroddiad. Os yw'r Bwrdd o'r farn nad yw'r corff cyhoeddus wedi gweithredu ar unrhyw un o'r argymhellion hyn yn ôl Adran 20 fe all gyfeirio'r mater at Lywodraeth y Cynulliad. Gall y Gweinidog sydd â chyfrifoldeb am y Gymraeg ddefnyddio ei ddisgresiwn i gymryd camau pellach a gorchymyn y sefydliad

measures they intend to take in order to improve their Welsh language provision.

The Act required the Welsh Language Board to publish guidance regarding the format and content of schemes (Section 9 of the Act). Under Section 3 of the Act a duty is placed on the Welsh Language Board to advise public bodies and Crown bodies on the ways in which they can implement the principle of equality when providing services to the public in Wales, and on the use of the Welsh language when dealing with the public in Wales. In fulfilling its statutory role the Board operates in the context of that which is appropriate under the circumstances and is reasonably practical.

In addition to the Board's role in preparing and approving language schemes the Board has an essential role to play in monitoring the implementation of schemes. If, following a complaint made under Section 18 or otherwise, it appears to the Board that a public body may have failed to implement a scheme approved by the Board, the Board may conduct an Investigation under Section 17 of the Welsh Language Act in order to determine whether there has been such a failure. On completion of the investigation the Board must send a copy of the report to the public body in question and to the Assembly Government Ministers. The Board can make the report more public if it deems that appropriate. If the Board is satisfied that the public body has failed to implement its scheme, it may make recommendations to the body concerned within its report. If the Board believes that the public body has failed to act on any of the recommendations in accordance with Section 20 it may refer the matter to the Assembly Government. The Minister responsible for the Welsh language may take further action at his/her

i weithredu'r argymhellion 'caiff roi'r cyfryw gyfarwyddiadau i'r corff cyhoeddus ag y cred eu bod yn briodol'. Os rhoddir cyfarwyddiadau o'r fath gallant gael eu gorfodi drwy gyfrwng gorchymyn llys.

#### 6.9 Dylanwad a chynsail datblygiadau eraill

Mae datblygiadau ehangach sy'n gefn i'r iaith Gymraeg hefyd yn berthnasol i'r prawf, megis y ffaith bod cynlluniau iaith Gymraeg fel proses ac fel endidau cyfreithiol wedi ennill eu lle fel cyfrwng derbyniol i sicrhau bod siaradwyr Cymraeg yn cael cyfle cyfartal a mynediad at wasanaethau.

Cryfhawyd y disgwyliad bod cyrff yn prif ffyrddio'r Gymraeg yn eu gweithgaredd gan 'Iaith Pawb', a chyflwynwyd 'Strategaeth Sgiliau Ieithyddol' fel endid cynllunio a gweithredu. Yn ein barn ni, mae i'r Strategaeth hon arwyddocâd cyfreithiol hefyd. Nid yn unig y mae'n cynnig trefn safonol ar gyfer cynllunio a rheoli sgiliau iaith, mae hefyd yn cryfhau'r cyfiawnhad a chynnig dull gweithredu cyfrifol a rhesymol pe byddai cyhuddiad o gamwahaniaethu yn codi'i ben.

Gellid hefyd ddefnyddio'r un drefn ar gyfer cynllunio aelodaeth bwrdd neu bwyllgor neu banel gweithredol (e.e. ynadon, aelodau tribiwnlysoedd).

Mae'r nodweddion hyn i gyd yn fodd i gryfhau unrhyw ddadl sy'n dweud bod camau gweithredu rhesymol a gymerir gan gyflogwr mewn perthynas â'r iaith Gymraeg, er mwyn hybu'r gwaith o ddarparu gwasanaethau dwyieithog boddhaol neu feithrin cyd-ddealltwriaeth rhwng pobl yn y gweithle, yn 'nod dilys' cyn belled y gellir ei gyfiawnhau.

own discretion and order the organisation to act on the recommendations giving the body such directions as deemed appropriate. If such directions are given they shall be enforceable by a court order.

#### 6.9 The influence and precedent of other developments

Wider developments which also support the Welsh language are also relevant to the test, such as the fact that Welsh language schemes as a process and legal entity have become established as an acceptable method of ensuring that Welsh speakers are given appropriate equal opportunity and access to services,.

The expectation on bodies to mainstream the Welsh language in their activities has been reinforced by Iaith Pawb, and bilingual skills strategies' have been introduced as a planning and implementation tool in many organisations. We believe that this Strategy also has legal significance. Not only does it offer a standard procedure for planning and managing language skills, but also reinforces the justification and provides a responsible and reasonable approach if an accusation of discrimination were to be made.

The same system could also apply to planning the membership of a board, committee, or executive panel (e.g. magistrates, tribunal members).

All of these elements are a means of reinforcing any argument which states that reasonable action taken by an employer with regards to the Welsh language, in order to promote the satisfactory provision of bilingual services or to develop joint understanding between people in the workplace, is a 'valid aim', provided it can be justified.

**Atodiadau**  
**Appendeces**

# Atodiad 1

## Appendix 1

### 'Cynlluniau Iaith Gymraeg – Eu paratoi a'u cymeradwyo yn unol â Deddf yr Iaith Gymraeg 1993', 1996: canllawiau ar staffio

"Fel rhan o'u cynllun, dylai sefydliadau bennu'r mesurau y maent yn bwriadu eu cymryd fel rhan o'u strategaeth staffio er mwyn cyrraedd sefyllfa cyn gynted â phosib, lle y gallant gyflwyno eu dewis llawn o wasanaethau drwy gyfrwng y Gymraeg. Dylid cysylltu hyn â'r amserlen yn y cynllun, lle mae hynny'n bosib. Wrth asesu eu anghenion staffio, dylai sefydliadau ddarparu ar gyfer cynnydd posib yn y galw am wasanaethau drwy gyfrwng y Gymraeg wrth i gynlluniau gael eu gweithredu, ac wrth i siaradwyr Cymraeg ymateb i'r cynnig i ddelio â nhw yn Gymraeg. Gan gadw hyn mewn cof, dylai sefydliadau ddilyn y dull o weithredu a ddisgrifir isod:

- (1) drwy ystyried yn fanwl natur ei weithgareddau a'i berthynas â'r cyhoedd yng Nghymru dylai'r sefydliad mewn modd gwrthrychol glustnodi'r gweithleoedd a'r swyddi hynny lle mae'r gallu i siarad neu ysgrifennu yn Gymraeg yn sgil hanfodol a'r rhai lle mae'n ddymunol, a lefel y medrusrwydd sydd ei angen. Dylid llunio disgrifiadau tîm a disgrifiadau swyddi yn unol â hynny, lle mae angen;
- (2) dylai'r sefydliad hefyd sefydlu faint o'i staff sy'n siarad neu'n dysgu Cymraeg, a lefel eu medrusrwydd, a faint o'r rheiny sydd ar hyn o bryd mewn gweithleoedd neu swyddi a glustnodwyd yn unol ag (1) uchod. Yna dylid cymharu canlyniadau'r ymarfer hwn â chasgliadau (1) uchod er mwyn canfod lle mae angen gweithredu;

### 'Welsh Language Schemes – Their preparation and approval in accordance with the Welsh Language Act 1993', 1996: staffing guidance

"As part of their scheme, organisations should specify the measures they propose to take as part of their staffing strategy to reach a position, as soon as possible, where they are able to deliver their full range of services through the medium of Welsh. Where possible, this should be linked to the timetable in the scheme. In assessing their staffing requirements, organisations should make provision for a potential increase in demand for services through the medium of Welsh as schemes are implemented, and Welsh speakers take up the offer to deal with organisations in Welsh. With that in mind, organisations should follow the approach set out below:

- (1) by considering in detail the nature of its activities and relationship with the public in Wales, the organisation should identify, in an objective manner, those workplaces and posts where an ability to speak or write in Welsh is an essential skill and those where it is desirable, and the level of proficiency required. Where necessary, team and job specifications should be drawn up accordingly;
- (2) the organisation should also establish how many of its staff speak or are learning Welsh and their level of proficiency, and how many of them are currently in those workplaces or posts identified in accordance with (1) above. The results of this exercise should then be compared with the conclusions of (1) above to identify areas for action;

- (3) yna dylai'r sefydliad ystyried y ffordd orau i gyflawni gweddill yr amcanion staffio a bennir yn (2) uchod. Gall y dewis sydd ar gael gynnwys trosglwyddo staff sy'n siarad Cymraeg i weithleoedd neu swyddi penodol, darparu hyfforddiant dysgu Cymraeg i staff, a recriwtio siaradwyr Cymraeg i weithleoedd neu swyddi penodol.
- (4) dylai'r sefydliad fabwysiadu rhaglen weithredu lle pennir blaenoriaethau. Dylai rheolwyr ac eraill sy'n gyfrifol am recriwtio, hyfforddi ac arolygu staff fod yn gyfarwydd â'r rhaglen, ac yn gyfrifol am ei gweithredu;
- (5) dylid arolygu gweithredu'r rhaglen fel rhan o'r gwaith o arolygu'r cynllun, a fydd hefyd yn amlygu'r camau i'w cymryd os bydd nifer y siaradwyr Cymraeg mewn swyddi sy'n gysylltiedig â'r cynllun yn dechrau lleihau."

- (3) the organisation should then consider how best it may achieve the remainder of its staffing objectives identified in (2) above. The options available may include transferring Welsh-speaking staff into designated workplaces or posts, Welsh language training for staff, and recruitment of Welsh speakers to specific workplaces or posts;
- (4) an implementation programme should be adopted by the organisation in which priorities are specified. Managers and others responsible for staff recruitment, training and supervision should be familiar with the programme and tasked with implementing it;
- (5) progress in implementing the programme should be monitored as part of monitoring the scheme, which will also highlight the action to be taken should the number of Welsh speakers in scheme-related posts begin to decline."

## Atodiad 2

### Appendix 2

Enghraifft o sefydliad yn defnyddio dangosyddion i adnabod proffil y staff.

#### Dangosydd Perfformiad

Nifer a % y staff sy'n gweithio i'r Cyngor sy'n gallu siarad Cymraeg (ac eithrio athrawon a staff ysgolion)

- fesul isadran wasanaeth
- yn ôl graddfa swydd
- fesul gweithle (swyddfa, canolfan a phrif swyddfeydd)

Adran	Nifer	Canran
Prif Weithredwr	194	66%
Adnoddau	228	55%
Adfywio a Hamdden	199	48%
Gofal Cymdeithasol a Thai	833	52%
Addysg a Gwasanaethau Plant	882	26%
Gwasanaethau Technegol	308	30%
Awdurdod Cyfan	2644	46%

Graddfa Cyflog	Nifer	Canran
Graddfa 1 – SO1	796	14%
SO2 – POG	551	40%
Graddfa Uwch Swyddogion	26	14%

Gweithle	Nifer	Canran
Gweithle 1	140	61%
Gweithle 2	182	60%
Gweithle 3	17	44%
Gweithle 4	120	41%
Gweithle 5	38	61%
Gweithle 6	36	52%

Example of an organisation using indicators to identify the staff profile

#### Performance Indicator

Number and % of staff working for the Council who are able to speak Welsh (excluding teachers and school staff)

- per service division
- according to grade
- per workplace (office, centre and main offices)

Department	Number	Percentage
Chief Executive	194	66%
Resources	228	55%
Regeneration and Recreation	199	48%
Social Care and Housing	833	52%
Education and Children's Services	882	26%
Technical Services	308	30%
Whole Authority	2644	46%

Pay Scale	Number	Percentage
Grade 1 – SO1	796	14%
SO2 – POG	551	40%
Senior Officer Grade	26	14%

Workplace	Number	Percentage
Workplace 1	140	61%
Workplace 2	182	60%
Workplace 3	17	44%
Workplace 4	120	41%
Workplace 5	38	61%
Workplace 6	36	52%

## Atodiad 3 – Lefelau

### Appendix 3 – Levels

#### Sgiliau iaith Gymraeg – asesiad gweithle

##### (i) Gwranddo

0	Dim sgiliau
1	Yn gallu deall ymholiadau sylfaenol yn Gymraeg ["Ble mae..?"; "Ga i siarad â..?"]
2	Yn gallu deall sgwrs gymdeithasol sylfaenol yn Gymraeg.
3	Yn gallu dilyn sgysiau arferol sy'n ymwneud â'r gwaith rhwng siaradwyr Cymraeg rhugl.
4	Yn gallu dilyn y rhan fwyaf o sgysiau sy'n ymwneud â'r gwaith gan gynnwys trafodaethau grŵp.
5	Yn gallu deall pob sgwrs sy'n ymwneud â'r gwaith.

##### (ii) Darllen

0	Dim sgiliau
1	Yn gallu darllen geiriau ac ymadroddion sylfaenol e.e. arwyddion neu nodiadau byr a syml.
2	Yn gallu darllen deunydd syml sy'n ymwneud â'r gwaith (yn araf).
3	Yn gallu darllen deunydd arferol gyda geiriadur.
4	Yn gallu darllen y rhan fwyaf o'r deunydd yn eich maes eich hun.
5	Yn gallu deall yr holl ddeunydd sy'n ymwneud â'r gwaith.

##### (iii) Siarad

0	Dim sgiliau
1	Yn gallu sgwrsio'n gyffredinol [cyfarchion, enwau, dywediadau, enwau lleoedd].
2	Yn gallu ateb ymholiadau syml sy'n ymwneud â'r gwaith.
3	Yn gallu cynnal sgwrs â rhywun arall, gyda pheth petruster, am faterion gwaith arferol.
4	Yn gallu siarad yr iaith yn y rhan fwyaf o sefyllfaoedd gyda rhai geiriau Saesneg.
5	Rhugl – yn gallu cynnal sgwrs ac ateb cwestiynau, am gyfnod estynedig pan fo angen.

#### Welsh language skills – workplace assessment

##### (i) Listening

0	No skills
1	Able to understand basic enquiries in Welsh ["Ble mae..?"; "Ga i siarad â..?"]
2	Able to understand a basic social conversation in Welsh.
3	Able to follow routine conversations involving work between fluent Welsh speakers.
4	Able to follow the majority of conversations involving work including group discussions.
5	Able to understand all conversations involving work.

##### (ii) Reading

0	No skills
1	Able to read basic words and phrases e.g. signs or short and simple notes.
2	Able to read basic material involving work (slowly).
3	Able to read routine material with a dictionary.
4	Able to read the majority of material in own area.
5	Able to understand all material involving work.

##### (iii) Speaking

0	No skills
1	Able to conduct a general conversation [greetings, names, sayings, placenames].
2	Able to answer simple enquiries involving work.
3	Able to converse with someone else, with some hesitancy, regarding routine work issues.
4	Able to speak the language in the majority of situations using some English words.
5	Fluent – able to conduct a conversation and answer questions, for an extended period of time where necessary.



# Atodiad 4

## Appendix 4

### (iv) Ysgrifennu

0	Dim sgiliau.
1	Yn gallu ysgrifennu negeseuon sylfaenol – “Diolch am y llythyr. Dyma gopi o'r map”.
2	Yn gallu ateb gohebiaeth syml gyda chymorth
3	Yn gallu drafftio testun arferol, gyda chymorth golygyddol.
4	Yn gallu paratoi'r rhan fwyaf o'r deunydd ysgrifenedig sy'n gysylltiedig â'r maes, gyda pheth cymorth gwirio.
5	Medrus – ym medru cwblhau gwaith ysgrifennu cymhleth heb yr angen i wirio.

### (iv) Writing

0	No skills.
1	Able to write basic messages – “Diolch am y llythyr. Dyma gopi o'r map”.
2	Able to answer simple correspondence with assistance.
3	Able to draft routine text, with editing assistance.
4	Able to prepare the majority of written material related to the area, with some assistance in terms of revision.
5	Skilled – able to complete complex written work without the need for revision.

### Strategaeth Sgiliau Ieithyddol

Er mwyn llwyddo i gyflawni'r amcan o ddatblygu'r gweithlu ar gyfer gwella gwasanaeth dwyieithog i'r cyhoedd cred y Bwrdd y dylai cyrff cyhoeddus mawr fabwysiadu Strategaeth Sgiliau Iaith fel dogfen weithredol ar wahân i'w gynllun iaith. Dylai pob sefydliad cyhoeddus gynnwys manylion am drefnu gweithlu dwyieithog fel rhan o gynllun iaith. Os nad yw corff am fabwysiadu Strategaeth Sgiliau Ieithyddol yna bydd angen i adran 8 yn y cynllun iaith ei hun fod yn fframwaith ar gyfer cynllunio'r gweithlu dwyieithog. Mae'r prif ystyriaethau fel a ganlyn.

Prif amcanion Strategaeth Sgiliau Iaith yw:

- Darparu mwy o wasanaethau safon uchel, ar lafar ac yn ysgrifenedig, drwy gyfrwng y Gymraeg;
- Darparu amrediad ehangach o wasanaethau yn Gymraeg;
- Hysbysu staff a'r cyhoedd o'r amcanion;
- Gosod targed, mesur ac adrodd ar berfformiad.
- Buddsoddi mewn datblygu sgiliau iaith Gymraeg;

Dylai Strategaeth Sgiliau Ieithyddol fod yn becyn gweithredol sy'n galluogi sefydliad i gynllunio gweithlu dwyieithog. Nid yw'r Bwrdd am gynnig templed ar gyfer Strategaeth Sgiliau Ieithyddol gan fod cynifer o sefydliadau amrywiol yn gweithredu cynlluniau iaith ond credwn y dylai Strategaeth Sgiliau Ieithyddol gynnwys yr elfennau canlynol:

#### Datganiad nod

Awgrymwn eiriad ond gall pob sefydliad eirio'r datganiad mewn modd sy'n berthnasol i'w gwaith:

### Language Skills Strategy

In order to meet the aims of developing the workforce and of improving bilingual services to the public the Board believes that large public bodies should adopt a Language Skills Strategy as a working document which is separate from their language scheme. Every public organisation should include details on arranging a bilingual workforce as part of a language scheme. If a body does not wish to adopt a Language Skills Strategy then section 8 of the language scheme itself should be a framework for planning a bilingual workplace. The main considerations are as follows.

The main objectives of a Language Skills Strategy are:

- To provide more high quality services, both orally and written, through the medium of Welsh;
- To provide a wider range of Welsh language services;
- Inform staff and the public of the objectives;
- Set targets, measure and report on performance;
- Invest in developing Welsh language skills.

A Language Skills Strategy should be a working tool which enables an organisation to plan a bilingual workforce. The Board do not wish to provide a template for a Language Skills Strategy as so many different organisations implement language schemes but we believe that a Language Skills Strategy should contain the following elements:

#### Mission statement

We suggest a possible wording but every organisation may word their statement in a manner which is relevant to their work:

“.. sicrhau cyflenwad digonol o swyddogion gyda'r sgiliau iaith priodol yn y manau cywir i alluogi'r sefydliad i ddarparu gwasanaeth Cymraeg boddhaol a chyflawn, yn unol â'r cynllun iaith Gymraeg.”

### Safbwyntiau sylfaenol

Mae angen egwyddorion ac amcanion yn sail i'r hyn a fwriedir. Awgrymwn y byddai datganiadau ar y pwyntiau canlynol yn addas, gan ddod ag agweddau gwasanaeth a chyflogaeth ynghyd:

#### Safbwyntiau sylfaenol

##### Gwasanaeth

- Bod gwasanaeth Cymraeg boddhaol a chyflawn yn golygu gwasanaeth o'r un ansawdd ac yr un mor hawdd i'w gael â'r gwasanaeth a ddarperir yn Saesneg.
- Os nad yw hynny'n bosibl ar unwaith, bod hynny'n un o'r blaenoriaethau corfforaethol, a bod bwriad i gymryd safbwynt rhagweithiol er mwyn ei wireddu.
- Bod gweithredu fel hyn yn rhan o weithredu gwrth wahaniaethol y corff.
- Bod y nod a'r safbwyntiau hyn yn hysbys i staff ac yn gyhoeddus.
- Bydd y corff yn mesur yn rheolaidd ac agored pa mor dda mae'n cyrraedd ei nod.

##### Cyflogaeth

- Bod gallu ieithyddol at bwrpas gwaith yn sgil fel unrhyw sgil arall
- Bydd anogaeth a chefnogaeth i staff gaffael a defnyddio'u sgiliau dwyieithog.

### Camau gweithdrefnol

Camau canolog a gymerir gan swyddogion adnoddau dynol yw'r rhain, fel arfer. Y nod yw sicrhau bod y prosesau a'r dogfennau

“... ensure a sufficient supply of officers who possess the appropriate language skills in the correct places to enable the organisation to provide a satisfactory and complete Welsh language service, in accordance with the Welsh Language Scheme.”

### Fundamental principles

Principles and objectives are necessary as a basis of intent. The Board suggest that statements on the following points would be suitable, bringing together aspects of service and employment:

#### Underlying principles

##### Service

- That a satisfactory and complete Welsh language service means a service of the same quality and accessibility as the English language service provided.
- If that is not possible immediately, it should be one of the corporate priorities, with the intention of adopting a proactive approach to achieving it.
- That such an approach is part of the body's anti-discrimination practices.
- That staff and the public are familiar with the aim and these principles
- The organisation will measure how it meets this aim in a routine and open manner.

##### Employment

- That linguistic ability for the purpose of work is a skill like any other
- Staff will be supported and encouraged to acquire and use their bilingual skills.

### Procedural action

This is normally centralised action taken by human resources officers. The aim is to ensure that the standard processes and

safonol yn hwyluso ac yn cefnogi gweithrediad mesurau staffio'r cynllun iaith. Nodir isod y camau i'w cymryd.

#### Camau gweithdrefnol

- Mabwysiadu dull gwrthrychol ar gyfer pennu sgiliau iaith, sef methodoleg i'w defnyddio at bwrpasau:
  - dadansoddi a mesur yr angen am sgiliau iaith fesul gweithle a swydd;
  - dadansoddi sgiliau iaith y staff presennol;
  - arwain geiriad hysbysebion a manylion swyddi;
  - tynnu rhestr fer / cyfweld / penodi;
  - mesur anghenion hyfforddiant iaith.
- Creu trefn i gofnodi a diweddarau'r cofnod o sgiliau iaith, er mwyn osgoi archwiliadau mawr a diangen eto, ac er mwyn gallu adrodd a chadw gorolwg dadansoddol o'r sefyllfa ar unrhyw adeg.
- Cysoni polisiâu ac arferion penodi a datblygu staff gyda'r amcanion a'r trefniadau sgiliau iaith. (e.e. Codau ymarfer dewis a phenodi; ffurflen safonol i fanyleb person; sgiliau ieithoedd mewn disgrifiad swydd; dulliau cloriannu ymgeiswyr ar gyfer rhestr fer ac mewn cyfweliad; ffurflenni monitro cyfle cyfartal; fframwaith arfarnu perfformiad; asesiad a chofnod datblygiad mewn swydd neu hyfforddiant).
- Gosod o fewn y drefn sy'n cymeradwyo swyddi cyn eu llenwi, ac yn awdurdodi rheolwyr i wneud penodiadau, y rhagdybiaeth ddatganedig bod swyddi i'w llenwi yn ôl y map sgiliau dwyieithog, heblaw bod rheolwr yn cyflwyno cyfiawnhad gwrthrychol i'r gwrthwyneb,

documentation facilitate and support the implementation of the staffing measures found in the language scheme. The action to be taken is identified below.

#### Procedural action

- Adopt an objective approach to determining language skills, which is a methodology to be used for the following purposes:
  - analysing and measuring the need for language skills per workplace and post;
  - analysing the language skills of existing staff;
  - providing guidance on the wording of adverts and job descriptions;
  - compiling a shortlist / interviewing / appointing;
  - measuring language training needs.
- Make arrangements to record and update the record of language skills, in order to avoid significant and unnecessary audits, and in order to be able to report on and analyse the situation at any time.
- Synchronise staff appointment and development policies and practices with the language skill objectives and arrangements (e.g. selection and appointment codes of practice; standard form for person specifications; language skills in job descriptions; candidate evaluation methods for shortlists and interviews; equal opportunities monitoring forms; performance appraisal framework, on-the-job development or training assessment and record).
- Within the procedure for approving vacancies before they are filled, and authorising managers to make appointments, include the stated





a hynny'n cael ei gofnodi fel gwyrriad. (Os nad oes trefn awdurdodi swyddi gyffredinol yn ei lle, dylid creu un yn benodol ar gyfer sgiliau iaith, gan roi'r dasg o'i gweithredu yng ngofal swyddog penodol, e.e. swyddog adnoddau dynol neu'r swyddog iaith).

### Camau gweithredol

Camau i'w cymryd gan benaethiaid / rheolwyr llinell yw'r rhain, fel arfer, mewn ymgynghoriad â'r uned adnoddau dynol a'r swyddog iaith.

#### Camau gweithredol

- Mapio anghenion sgiliau iaith fesul gweithle a swydd yn erbyn y nod, gan ddefnyddio'r Canllaw Asesu Sgiliau iaith gan sicrhau bod unrhyw sgil yn cael ei gyfiawnhau.
- Mapio capasiti presennol gweithleoedd a swyddi yn yr un modd, a'i osod fel meincnod.
- Cymharu'r capasiti gyda'r angen, yn thematig ar lefel corff (e.e. canrannau / lefelau gallu ieithyddol, lleoliad, teitl / gradd, nifer y siaradwyr iaith-gyntaf / dysgwyr, proffil oedran, ayyb.) ac yna fesul adran, gwasanaeth, tîm, gweithle a swydd, fel sy'n briodol.
- Gosod gorwel cynnydd ar gyfer cyfnod cyntaf gweithredu'r Strategaeth, fydd yn cynnwys targedau penodol yn deillio o'r gwaith mapio a chymharu uchod, gan gynnwys targedau adrannol neu debyg.
- Mabwysiadu cynllun gweithredol sy'n disgrifio'r camau mae'r corff am eu cymryd i gyrraedd y nod, fydd yn nodi blaenoriaethau (thematig a/neu leoliadol) a threfniadau (e.e. recriwtio,

assumption that vacancies are to be filled according to the bilingual skills map, unless managers can justify the opposite in an objective manner, which is recorded as a deviation. (If there is no general procedure in place for authorising vacancies, one should be created specifically for language skills, transferring responsibility for its implementation to a designated officer, e.g. HR officer or language officer).

### Executive action

Below is action to be taken by heads / line managers, normally, in consultation with the HR unit and language officer.

#### Executive action

- Map language skill needs per workplace and post against the aim, using the Language Skills Assessment Guide ensuring any skill is justifiable.
- Map the existing capacity within workplaces and posts in a similar manner, setting it as a benchmark.
- Compare capacity with need, thematically on body level (e.g. percentages / linguistic ability level, location, title / grade, number of first-language speakers / learners, age profile, etc) and then per department, service, team, workplace and post, as appropriate.
- Set a progress goal for the strategy's first implementation stage, which will include specific targets stemming from the mapping and comparison process above, including departmental targets or similar.
- Adopt an action plan which describes the steps the organisation intends to take in order to reach its progress goal, which will identify priorities (thematic and/or locational) and arrangements (e.g.

hyfforddi, adleoli) i unioni unrhyw brinder.(Yn aml, bydd angen cynlluniau gweithredu adrannol yn ogystal â'r un corfforaethol cyfansawdd.)

- Datblygu sgiliau Cymraeg y gweithlu e.e. drwy fabwysiadu rhaglen hyfforddiant iaith i [rai] staff fel rhan o ddatblygiad mewn swydd. (Mewn cyrff mwy, mae'n debyg y bydd angen 'Cynllun Datblygu Sgiliau Cymraeg' penodol i arwain a chydlynu'r ymdrechion. Bydd angen adborthi cyson am bresenoldeb, ymroddiad a chyrhaeddiad, gan fwydo gwybodaeth am gynnydd i'r gronfa ddata sgiliau Cymraeg yn ogystal ag i gynllun datblygiad yr unigolyn.).
- Hyfforddi rheolwyr ynglŷn ag amcanion y corff yn ei Strategaeth, beth yw eu cyfrifoldeb hwy, sut y dylid defnyddio'r drefn yn wrthrychol, a pha wybodaeth i'w chasglu a'i hadrodd.

### Camau adolygol

Rhain yw'r camau fydd yn galluogi'r corff i gadw llygad ar gynnydd dros gyfnod y Strategaeth.

#### Camau adolygol

- Rhaglen adrodd 'adrannol', sy'n rhoi gwybodaeth reolaidd i'r 'adran adnoddau dynol' ac eraill ynglŷn â chynnydd.
- Rhaglen adrodd gorfforaethol gylchol, sy'n cyflwyno gorolwg dadansoddol manwl o'r sefyllfa i uwch reolwyr a'r corff llywodraethol, ynghyd â chamau gweithredol pellach, yn fwy na thebyg i gyd-fynd ag adrodd i'r Bwrdd ynglŷn â gweithrediad y cynllun iaith.
- Adolygu a gwerthuso cyfnodol ar wireddiad y Strategaeth (i gyd-fynd

recruitment, training, relocation) to combat any deficiency. (Departmental action plans will often be needed in addition to the composite corporate action plans.)

- Develop the Welsh language skills of the workforce e.g. by adopting a language training programme for [some] members of staff as part of their on-the-job development. (In larger organisations, it is likely that a specific 'Welsh Language Skills Development Plan' will be needed to guide and co-ordinate efforts. Regular feedback on attendance, commitment and attainment will be needed, feeding information on progress into the Welsh language skills database as well as the individual's development plan.)
- Train managers on the organisation's objectives in its strategy, their responsibility, how the procedure should be used objectively, and what information should be collected and reported.

### Review action

These are the steps which will enable the body to monitor progress during the Strategy's life cycle.

#### Review action

- 'Departmental' reporting programme, which provides routine information to the 'HR department' and others regarding progress.
- Recurring corporate reporting programme, which provides a detailed analytical overview of the situation to senior managers and the governing body, along with further executive action, most likely to be aligned with reporting to the Board on implementation of the action plan.
- Periodic review and evaluation of the



â'r gorwel cynnydd a osodwyd), sy'n dadansoddi cyrhaeddiad y corff yn erbyn y safbwyntiau sylfaenol a'r meincnod cychwynnol, gan fesur beth sydd wedi ei gyflawni yn ogystal â chyflawnder ac effeithiolrwydd y gweithrediad.

- Diweddarau'r Strategaeth Sgiliau Dwyieithog (i gyd-fynd â'r cam blaenorol).

implementation of the Strategy (aligned with the progress goal), which analyses the organisation's achievements against the underlying perspectives and initial benchmark, measuring what has been achieved as well as the completeness and effectiveness of that action.

- Update the Bilingual Skills Strategy (aligned with the previous action).

## Atodiad 5

### Appendix 5

#### Cytgord rhwng Bwrdd yr Iaith Gymraeg a'r Comisiwn Cydraddoldeb Hiliol 1996

"Mae'r Comisiwn Cydraddoldeb Hiliol yn gweithio dros gymdeithas gyflawn sy'n rhoi cyfle cyfartal i bawb ddysgu, gweithio a byw heb wynebu gwahaniaethu a rhagfarn a heb ofni aflonyddwch neu drais hiliol.

Mae Bwrdd yr Iaith Gymraeg yn cyrchu at weld y dydd pan fo'r rheiny yng Nghymru sydd â'r Gymraeg yn ddewis iaith iddynt yn cael cyfle cyfartal i'w defnyddio ymhob agwedd o'u bywyd â'r rheiny sydd â'r Saesneg yn ddewis iaith iddynt.

Tasg y ddau gorff yw hyrwyddo cydraddoldeb, a rhannwn werthoedd sy'n gyffredin inni. Parchwn nodau a chyfrifoldebau ein gilydd, gan gydnabod eu bod yn cyd-fynd."

#### Concordat between the Welsh Language Board and the Commission for Racial Equality 1996

"The Commission for Racial Equality works towards a just society which gives everyone an equal chance to learn, work and live without facing discrimination or prejudice and without the fear of harassment or racial violence.

The Welsh Language Board strives for the day when those living in Wales whose preferred language is Welsh have the same opportunity to use it in all aspects of their lives as those whose preferred language is English.

The task facing both these bodies is to promote equality, and we share common values. We respect each other's aims and responsibilities, acknowledging the fact that they complement each other."

# Cysylltu â ni

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